

Town of Lincoln

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ORDINANCE # 1986-1
Amendment 3

ACCESS ORDINANCE

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adopted August 26th, 1997

Town of Lincoln

62 Quaker Street
Lincoln, Vermont 05443-9253

OR OR OR

CIVIL ORDINANCE # 1986-1 Amendment #3

ACCESS ORDINANCE RELATING TO DRIVEWAYS AND OTHER MATTERS AFFECTING ACCESS TO AND DRAINAGE OF TOWN HIGHWAYS

OR OR OR

1-000 PURPOSE

The purpose of this Civil Ordinance is to promote the safety of road traffic in the Town of Lincoln, and to assure that emergency vehicles are provided with safe, expeditious access to properties in the Town, both residential and commercial.

1-100 PERMIT REQUIRED

It shall be unlawful to

- (a) develop, construct or **upgrade** any driveway, entrance or approach to a **Town highway**, or
- (b) build a fence or structure, or deposit material of any kind within, or in any way affect the **grade** of a **Town highway right of way**, or
- (c) obstruct a ditch, culvert or drainage course that drains a **Town highway**, or fill or **grade** the land adjacent to a **Town highway** so as to divert the flow of water onto the highway **right of way**,

without a written permit to do so from the Select Board of the Town.

1-200 ADMINISTRATION

The Select Board, or its **designated agent**, shall administer the provisions of this Civil Ordinance and develop procedures and forms for its implementation. Copies of the Civil Ordinance and the forms shall be available at the Town Office.

1-300

APPLICATION

Before any permit for any of the purposes set forth in §1-100 above may be issued, the applicant must make application on forms provided by the Town, or duplicates thereof, setting forth all the information required hereunder, together with the required fee, as determined by the Select Board. A permit shall not be issued unless all conditions set forth hereunder are met.

1-400

CONDITIONS

Before any permit may be issued, the Select Board or its **designated agent** shall conduct a site survey. The applicant or his **designated agent** must prove that the following conditions relating to access have been met and satisfied, or will be satisfied at the time of completion of construction:

- (1) Visibility from a driveway entrance onto the **Town highway right of way** shall be unobstructed for a distance of at least 100 feet in either direction. Trees, brush, stone walls, posts, etc., will be removed if they obstruct roadway visibility. It shall be the owner's responsibility to maintain adequate roadway visibility as defined herein.
- (2) Minimum **entrance width** shall be 28 feet, measured at the edge of the traveled surface of the **Town highway** as shown in Figure 1. The minimum width of the paved or graded surface of the access road shall be 12 feet, measured at the edge of the **Town highway right of way**. Recommended **clearway** for the length of the access road shall be a minimum width of 20 feet and a height of 12 feet, which will be maintained by the owner.

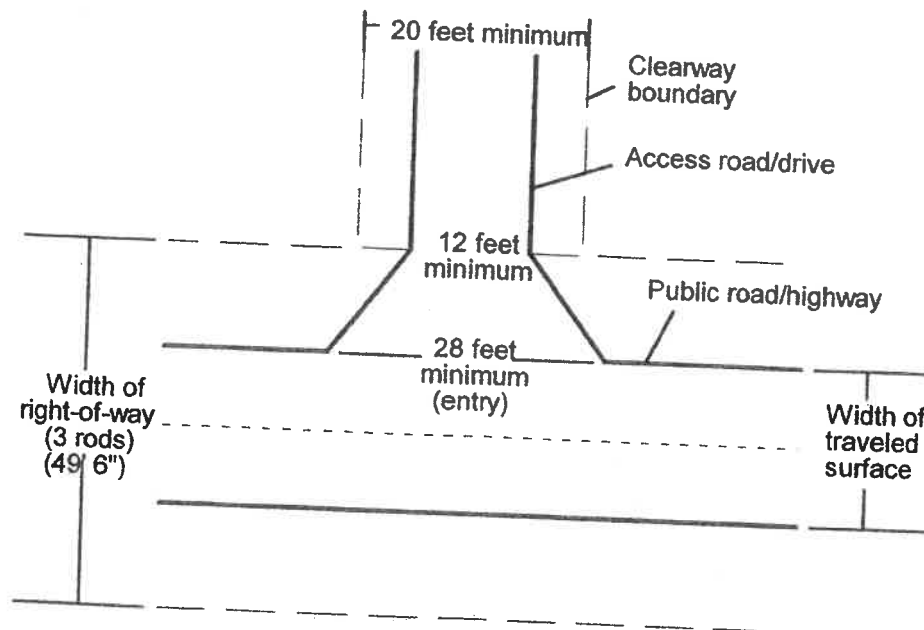


FIGURE 1.

- (3) If required to preserve adequate drainage in the **Town highway right of way**, a culvert shall be installed, at the owner's expense, and shall be maintained in a working condition by the owner. The material, diameter, length and depth of bury of the culvert shall be as determined by the Select Board or by their agent, but in no case shall the diameter of such a culvert be less than 15 inches.
- (4) Access entrances shall be constructed to be approximately level with the elevation of the traveled portion of the **Town road right of way** for a distance of at least 24 feet from the edge of the **right of way**. The grade of the access road shall not exceed 5 percent in this area unless the indicated concerns of safety, sight distance and drainage liabilities can be reasonably satisfied, as determined by the Select Board or their designated agent.
- (5) All **access roads** shall enter the existing highway **right of way** at an angle of 60 to 90 degrees, measured between the road centerlines at the center of the intersection. If a perpendicular intersection (90 degrees) is not practical, the access road may be inclined up to 30 degrees in the preferred direction of approach. In no case shall the angle between the access road and public highway centerlines be less than 60 degrees at the point of intersection.
- (6) The applicant shall submit a sketch plan showing dimensions and other features relative to the access requested to be permitted.
- (7) The Board may impose additional conditions upon the permit, as it deems necessary to promote and protect traffic safety on **Town highways**. The Board may also limit the number of accesses that may be permitted for a particular tract of land.

1-500 CERTIFICATE OF COMPLIANCE

The applicant shall notify the Select Board or its designated agent when the construction of the **access drive** is complete. The Select Board or its **designated agent** shall issue a Certificate of Compliance to the applicant when it has been established, by final inspection, that the **access drive** has been properly constructed and that it complies with the provisions of this ordinance.

1-600 PENALTIES

This Ordinance is designated as a Civil Ordinance and all fines assessed hereunder shall hereafter be assessed as civil penalties. Any person who violates any provision(s) of this Civil Ordinance or the terms of any permit issued by the Selectmen shall pay no more than \$500 for a violation. Each day the violation continues shall constitute a separate offense, but in no event shall the civil penalty exceed \$500 for a violation of this Civil Ordinance.

If the penalty for continuing civil ordinance violations is greater than \$500, or if injunctive relief is sought, the action shall be brought in Superior Court.

1-700 SEVERABILITY OF PROVISIONS

The invalidity of any article or section of this Civil Ordinance shall not invalidate any other article or section thereof.

1-800 EFFECTIVE DATE

This Civil Ordinance shall take effect in accordance with the procedures contained in §§1972 and 1976 of Title 24 V.S.A. Chapter 59. Any related ordinance previously adopted and in effect is hereby repealed and declared null and void as of the effective date of this Civil Ordinance.

1-900 AUTHORITY

This Civil Ordinance is enacted pursuant to the requirements of 19 V.S.A. Chapter 11, §1111 and 24 V.S.A. Chapter 59.

1-1000 DEFINITIONS

Access road - Any road, public or private, constructed to provide access to three or more single-family residential uses or lots from an existing public road network.

Access drive - Any way commonly used for vehicular traffic, serving not more than two single-family residential uses or lots.

Clearway - An area surrounding the traveled surface of an access road or drive which is kept clear of foliage, trees, overhanging limbs, stumps, large boulders and any other potential obstructions to vehicular traffic, with sufficient space for drainage improvements, if required.

Designated agent - A person (or persons) legally appointed to represent the interests of another person, party or agency.

Entrance width - The width of the entry to a private driveway, measured at the edge of the paved or graded travel surface of a Town highway.

Grade - Inclination with respect to the horizontal of a road or land surface, measured as a percentage of rise over run; i.e: a surface which rises (or falls) one foot over a horizontal run of twenty feet is said to have a grade of 5 percent.

Preferred direction of approach - The direction in which emergency vehicles are most likely to approach a given parcel of land, as determined by consultation with a designated agent of the emergency service(s).

Right of way - A strip of land set aside for the routing and construction of a public road. All Town highways are constructed on rights of way which are three rods wide; i.e.: the right of way

boundaries for the road are set at a distance of 24 feet 9 inches from the centerline of the traveled part of the road's surface.

Road - Any road, highway, avenue, street, land or other way between right of way lines, commonly used for vehicular traffic, exclusive of a driveway serving not more than two single-family residential uses or lots. See access drive.

A **private road** is a road which has been constructed for public or commercial travel over land which has not been conveyed to nor accepted by the Town of Lincoln or the State of Vermont.

A **public road** is a road which has been constructed for public travel over land which has been conveyed to and accepted by the Town of Lincoln or the State of Vermont.

Rod (Surveyor's rod) - A unit of linear measurement used in surveying, equal to 16 feet 6 inches.

Town highway - See public road.

Upgrade - The cutting, filling, relocation or addition of soil and/or gravel for the purpose of substantially improving the function or use of an existing access.

Adopted by the Select Board of the Town of Lincoln
on this 26 day of August, 1997.

Floyd B. Hall 8/26/97
Floyd B. Hall, Jr., Chair Date

Steven B. Harris 8/26/97
Steven B. Harris Date

Vickie B. Smith Date

Attested to: Robert W. Bernstein August 27th 1997
Robert W. Bernstein, Town Clerk Date