

Highway Access Ordinance

Town of Benson

I. PURPOSE The purpose of this ordinance is to establish specifications for the construction of driveway approaches and other structures (including culverts where needed) within the Town Highway Right of Way in the Town of Benson pursuant to Title 24 VSA, Chapter 59, Section 1972. This ordinance replaces the Driveway Ordinance adopted 2/21/2000. This Ordinance is a Civil Ordinance, subject to Title 24 VSA, Chapter 59, Section 1974A

II. PERMITS Permit application shall be made by the property owner to the Selectboard. Permit approval, conditional approval or denial shall be made within fourteen days and shall include grade and culvert specifications as determined by the Selectboard and Road Foreman. Form #B-71 of the Vermont State Highway Department shall be used as a guideline. Permits shall only be granted to the property owner, not any other party.

III. SPECIFICATIONS

1. All town zoning regulations and State Environmental Control Commission regulations must be met, if applicable.

2. Driveway is to be constructed to Vermont Department of Highways Standard Sheet B-71, copy attached.

3. All new drainage pipe projects within the highway right of way shall be approved by the Selectboard before the project begins.

4. No parking area installations will be allowed within the Town Highway Right of Way.

5. No effluent from septic tank or drainage field will be allowed onto Town Highway Right of Way.

6. The slopes within the Town Highway Right of Way shall be graded in a manner approved by the Selectboard and the slopes must be seeded and mulched immediately after grading is completed.

7. If needed, a new or approved used metal or plastic culvert with a minimum diameter of 15 inches and a minimum length of 30 feet is required. If circumstances warrant, installation of a culvert of greater diameter and length may be required.

8. All cost of the culvert is to be borne by the permit holder.

9. Installation of the culvert shall be supervised by the Town of Benson Highway Department. The installation shall be done in a professional manner by a qualified

installer.

10. The permit holder shall be responsible for all repair or maintenance costs of the driveway, culvert or other structure within the Town Highway Right of Way. However, any damage resulting from highway maintenance operations shall be borne by the town.

11. No structures may be erected within the Town Highway Right of Way without first receiving a permit for said structure from the Selectboard. Structures erected without a permit may be removed by the town.

12. Permit applications will be reviewed by site visit of at least one selectboard member and the road crew foreman.

IV. ENFORCEMENT Subject to Title 24 VSA, Chapter 59, Section 1974A. A civil penalty of not more than \$500.00 may be imposed for a violation of this ordinance. Each day the violation continues shall constitute a separate violation.

V. SEVERABILITY If any portion of this Ordinance and Amendments is held unconstitutional or invalid by a court or competent jurisdiction, the remainder of the Ordinance and Amendments shall not be affected.

ADOPTED: _____

POSTED & PUBLISHED: _____

EFFECTIVE DATE: _____

Selectboard:

_____, Chairman
