

The Town of Glenburn hereby ordains that the following ordinance be enacted:

Glenburn Road Ordinance

1. Statement of Purpose

Whereas, one of the responsibilities of the Town of Glenburn is the maintenance of satisfactory roadways for travel and commerce; and the Town is growing, and that growth over the last several years has included new roads built by private developers and then dedicated to and accepted by the Town as town ways; and it is expected that this activity will continue in the future; the Town shall utilize this ordinance as guidance for the design and construction of new private or public roadways and where appropriate for the upgrade of existing roadways.

2. Enacting Clause

Therefore, to promote and maintain the quality of roads in the Town of Glenburn, the Town of Glenburn hereby ordains the following, to be known as the "Glenburn Road Ordinance", to set specifications for the construction of all roads accepted as town ways or public easements and to ensure their use in said construction.

3. Purpose

- A. The purpose of this Ordinance is to ensure that public right-of-way improvements implemented in the town provide for safe and efficient vehicular and pedestrian traffic, including handicap access; provide for minimum long-term maintenance costs of public improvements; protect the environment, the public, and abutting landowners by providing the necessary controls for stormwater runoff, soil erosion and siltation, and groundwater; and protect the public health and safety.
- B. These standards provide for flexibility, with the intent of having the design fit into the surroundings, and to not waste the town's valuable natural resources.
- C. Any proposed road shall provide for safe access to and from public and private roads. Safe access shall be assured by providing an adequate number and location of access points with respect to sight distances, intersections, schools and other traffic generators.
- D. Curb cuts shall be limited to the absolute minimum number and widths necessary for safe entering and exiting. The proposed road shall not have an unreasonable adverse impact on the town road system and shall assure safe interior circulation within any development served by the road by separating pedestrian and vehicular traffic and providing adequate parking and loading areas.
- E. Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.
- F. The Board shall not approve any road unless it is designed in accordance with the

specifications contained in this Ordinance.

G. The intent of this Ordinance is to implement Comprehensive Plan Policies —Transportation, Policy #5: "Ensure that new roads are built to Town Standards."

4. Town Roads

A. There shall be three types of roads: Town Ways, Private Roads and Public Easements, as defined by Title 23 of the Maine Revised Statutes Annotated, Section 3021 and the components of which are defined herein.

B. Town Ways

1. All roads offered or dedicated to the Town of Glenburn as Town Ways shall be designed and constructed according to the specifications set forth in this Ordinance.
2. If, due to local conditions, it is found necessary, advantageous and prudent to vary from these specifications, prior approval must be obtained from the Road Commissioner, Planning Board, and Town Council.

C. Public Easements

1. The following roads, as laid out and described by the Penobscot County Roads and Mapping Department in 1979, 1980, and 1983 and, Warren Cookson Subdivision Plan 7/23/75 revised 8/23/78 and 12/15/78 (French's Point Road) are declared to be Public Easements in the Town of Glenburn due to a history of town continuous maintenance and repair for over 20 years, under a claim of rights, openly and visibly, with the acquiescence of all individuals owning land along the roads or having any claim of rights in the roads. Roads ordered, adjudged, & decreed to be Public easements by Penobscot County Superior Court on 03 April 1984 in Civil Action Docket No. 83-520.

ROAD	MILEAGE	WIDTH AND LIMITS
French's Point	.37	3 rod to turn around
Lucky's Landing	.79	2 rod includes loop
Sandy Beach	.78	2 rod includes loop
Lakeside Landing	.58	2 rod to Lake Road
Cedar Breeze South	.73	2 rod to Lake Road
Cedar Breeze Center	.80	2 rod to Lake Road
Cedar Breeze North	.93	2 rod to Lake Road
Beechwood Avenue	.92	2 rod between Hudson /Old Town line
Lakeside Lane	<u>.21</u>	2 rod between Old Town/Beechwood Ave.
<u>Total Miles</u>	6.11	

2. The Town of Glenburn shall provide for the maintenance and repair of the above named roads including restorative and preventive maintenance, grading, laying of gravel, crowning of road surfaces, ditching and culverting, winter plowing, and

rebuilding in emergency situations or when road surfaces deteriorate. The nature and scope of the maintenance and repair shall be determined by the Town Council in consultation with the road commissioner. Since the above named roads are public easements, not town ways, the Town is not obligated to maintain the same to the level required for town ways under 23 M.R.S.A. § 3651, and the Town is not liable for any damages arising from the use of any road that is a public easement. The public easements will be maintained as gravel roads except that all or a portion of said public easements may be paved by the Town upon a determination by the road commissioner and the Town Council that there is a sufficient base to support paving and upon a determination that funds for such purpose have been properly appropriated. No areas in addition to those described above shall be maintained under this section of the ordinance.

D. Definition of terms:

1. **ARTERIAL STREET** — A major thoroughfare which serves as a major traffic way for travel between and through the municipality.
2. **BASE** — that portion of the roadway constructed of special material on the subbase and supporting the surface or pavement.
3. **BACKFILL** — the refilling with suitable material of all spaces excavated and not occupied by drainage structures, drainage systems and other permanent structures up to the elevation of the surrounding ground.
4. **BOARD** — The Glenburn Planning Board
5. **BORROW** — approved materials obtained from beyond the cut slopes for completing embankments and for other purposes necessary to complete the grading, when sufficient quantities of suitable materials are not available from roadway or structural excavation.
6. **BRIDGES** — structures having a clear span of ten (10) feet or more.
7. **COLLECTOR STREET** — A street with average daily traffic of 400 vehicles per day or greater, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.
8. **CULVERTS** — all structures not defined as bridges which provide an opening under the roadway.
9. **DRAINAGE** — the system of pipes, drainage ways, ditches and structures by which surface or sub-surface waters are collected and conducted from the roadway area.
10. **EMBANKMENT** — that part of the roadway outside the limits of travel surface and shoulders.

11. INDUSTRIAL/COMMERCIAL STREET — A street servicing industrial or commercial uses.
12. MATERIALS — any substance specified for use in the construction of the project,
13. MINOR STREET — All public roads and streets not classified as arterials or collectors will have a minor classification, Minor roads and streets are characterized by many points of direct access to adjacent properties and have a relatively minor role in accommodating mobility. Speeds and traffic volumes are usually low.
14. PRIVATE ROAD — A road with two or more dwellings that is constructed and maintained without public funds, and as such does not provide for public access.
15. PROFESSIONAL ENGINEER — A duly qualified professional engineer licensed in the State of Maine.
16. PUBLIC EASEMENT — Those privately constructed roads that have been, are, and/or will be maintained by the Town as listed in the Ordinance, and as such provide public access.
17. PUBLIC WAY — Any town way, state highway, or state aid highway under Maine law.
18. REFERENCE STAKES or GRADE STAKES — wooden stakes, generally set beyond the lines of improvement on which the reference marks are placed, from which lines and grades may be obtained.
19. RIGHT OF WAY — all lands or other property interest provided or acquired for the development and operation of a public roadway.
20. ROAD — a route consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the passage of motorized vehicles that may be lawfully operated on public ways. The term "road" shall include the term "street."
21. ROADBED — that portion of the roadway between the outside edges of the finished shoulders.
22. ROADSIDE — a general term denoting that area adjoining the outer edge of the finished shoulders.
23. ROADWAY — that portion of the right of way within the limit of construction.
24. ROD — 16.5 feet (e.g. 2 rods =33')
25. SHOULDERS — that parts of the roadway lying immediately outside the traveled way.
26. SUBBASE — that portion of the roadway between the subgrade and base.

27. SUBGRADE — that portion of the roadway upon which the subbase and shoulders are constructed.
28. SURFACING — that portion of the roadway constructed on the base course to facilitate fine grading and produce good rideability.
29. SURFACE TREATMENT — any bituminous treatment applied or placed on the surfacing course prior to paving.
30. TOWN WAY — An area or strip of land designated and held by the Town of Glenburn for the passage and use of the general public by motor vehicle.

5. Submittal Requirements

- A. Applicants shall submit to the Board, as part of the engineered plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed streets and the location of existing streets within 300 feet of a proposed intersection. The plan view shall be a scale of one inch equals fifty feet. Plan view sheet shall be labeled with stations at 50' intervals. The vertical scale of the profile shall be one inch equals five feet. The plan shall be prepared by a professional engineer, and shall be submitted as required by any applicable ordinance of the Town. In the event that the proposed road is not part of a development otherwise requiring approval from the Board, the Plan shall be submitted to the Road Commissioner. In addition, a Site Plan at the scale of 1"=200' shall be submitted to the Tax Assessor to be used in keeping the Tax Maps up to date.
- B. The plans shall include the following information:
 1. Date, scale, and indicate north using either magnetic or true north plus at least two reference points of the Maine State Plane Coordinate System.
 2. Intersections of the proposed street with existing streets.
 3. Roadway and right of way limits including edge of pavement, edge of shoulder, sidewalks, and curbs.
 4. Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
 5. Complete curve data shall be indicated for all horizontal and vertical curves.
 6. Turning radii at all intersections.
 7. Centerline gradients.
 8. Size, type, and locations of all existing and proposed overhead and underground utilities, to include but not be limited to water, sewer, electricity, telephone, lighting, and cable television.

6. Design Standards

- A. These minimum design guidelines shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts and other appurtenances associated with the road, and shall be met by all proposed roads.
- B. Reserve strips controlling access to roads shall be prohibited except where their ownership and control is placed with the municipality.
- C. Where a proposed road borders an existing narrow street {not meeting the width requirements of the standards for streets in this Ordinance), or when the comprehensive plan indicates plans for realignment or widening of a road that would require use of some of the land, the plan shall indicate reserved areas for widening or realigning the road marked "Reserved for Road Realignment {Widening) Purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements of the zoning ordinance. The reserve area shall not be included in any lot, but shall be reserved to be deeded to the municipality or State, and said reservation shall be shown on the final subdivision plan recorded in the Penobscot County Registry of Deeds.
- D. Those portions of existing town ways, public easements, and discontinued town and county ways which are adjacent to any portion of the road being constructed and which will serve as major accesses to the proposed road shall be widened and improved to the standards required by this ordinance. Such improvements, including right of way acquisitions, shall be completed at the developer's expense and shall be subject to the same performance guarantees as are other improvements.
- E. Any road expected to generate average daily traffic of 400 trips per day or more shall have at least two street connections with existing town roads, streets shown on an Official Map, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted.
- F. The design standards below shall be used for construction of all roads, unless the applicant can provide clear and convincing evidence that an alternate design will meet good engineering practice and will meet the intended performance standards and is approved by the Board and Town Council.
- G. The Board may eliminate portions of a particular road cross section amenity (sidewalk, bike lane, etc.) as it deems appropriate for individual projects.

Roadway Design Guidelines				
Description	Type of Street			
	Arterial	Collector	Minor	Industrial Commercial
Minimum Right of Way Width	90'	66'	50'	66'
Minimum Traveled Way Width	24'	24'	20'	24'
Minimum Width of Shoulders (each side)	3'	3'	3'	3'

Maximum Width of Shoulder	10 ⁵	10 ⁵	5'	10 ⁵
Paved Pedestrian/Bike lane ⁶	8'	8'	8'	8'
Minimum Grade	0.5%	0.5%	0.5%	0.5%
Maximum Grade ¹	8.0%	8.0%	8.0%	8.0%
Minimum Centerline Radius without superelevation with superelevation	500' 350'	280' 175'	280' 175'	400' 300'
Roadway Crown ²	1/4"/foot	1/4"/foot	1/4"/foot	1/4"/foot
Minimum Angle of Street Intersections ³	90°	90°	75°	90°
Max. Grade within 75 ft. of intersection	3%	3%	3%	3%
Minimum Curb radii at intersection	30'	25'	25'	30' ⁴
Minimum r/o/w radii at intersection	20'	10'	10'	20'
<p>¹ Maximum grade may be exceeded for a length of 100 feet or less</p> <p>² Roadway crown is per foot of land width including at the subgrade level</p> <p>³ Street intersection angles shall be as close to 90° as feasible but not less than the listed angle.</p> <p>⁴ Should be based on turning radii of expected commercial vehicles, but no less than 30 feet.</p> <p>⁵ These shoulders could be used for on-street parking or emergency stops.</p> <p>⁶ Includes width of shoulders.</p>				

H. The centerline of the roadway shall be the centerline of the right of way.

I. Dead End Streets. In addition to the roadway design standards, dead-end streets shall be constructed and provide a cul-de-sac turn-around with the following requirements for radii:

Property line: 60'

Outer edge of pavement: 50'

Inner edge of pavement: 25'

Where the cul-de sac is in a wooded area prior to construction, a stand of trees shall be maintained within the center of the cul-de-sac. The Board may require the reservation of

a twenty foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street. The Board may also require the reservation of an easement in line with the street to provide continuation of the road where future extension is possible. The width of said easement shall match the proposed road.

EXCEPTION: Where an approved subdivision plan contains provisions for phased development, the dead end street may terminate in a T-style turnaround at least sixty (60) feet wide in all parts, the dead end extensions being at least one hundred (100) feet in length. Provision shall be made for the reservation of an easement in line with the street to provide continuation of the road. The direction of the T shall be to the right. If continuation is not completed within five years, the cul-de-sac must be constructed, and as such the recorded initial phase subdivision plan shall show the cul-de-sac right-of-way. As a condition of approval, the Town must receive adequate documentation to provide it with the legal rights to complete and accept the cul-de-sac in the event that the developer fails to do so, as well as an adequate performance bond to cover the costs of constructing the cul-de-sac.

J. Grades, Intersections, and Sight Distances

1. Grades of all streets shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.
2. All changes in grade in excess of one percent shall be connected by vertical curves in order to provide smooth grade change transitions.
3. Where new street intersections or driveway curb-cuts are proposed, sight distances, as measured along the road into which traffic will be turning, shall be based upon the posted speed limit multiplied by ten.
4. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curbline or edge of shoulder, with the height of the eye $3\frac{1}{2}$ feet, to the top of an object $4\frac{1}{4}$ feet above the pavement.
5. Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.
6. Cross (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the comprehensive plan or at other important traffic intersections. A minimum distance of 125 feet shall be maintained between centerlines of minor streets and 200 feet between collectors or a collector and minor street.

K. Sidewalks. Sidewalks shall be installed in areas where the Board determines that they are necessary for neighborhood connection or public safety.

1. Location. Sidewalks may be located adjacent to the curb or shoulder.

2. Bituminous Sidewalks

- a. The aggregate base shall be no less than twelve inches thick after compaction.
- b. The hot bituminous pavement surface course shall be constructed in two lifts, each no less than one inch after compaction.

3. Portland Cement Concrete Sidewalks

- a. The aggregate base be no less than twelve inches thick after compaction.
 - b. The Portland cement concrete shall be reinforced with six inch square, number 10 wire mesh and shall be no less than four inches thick, with a broom finish and two inch (2") smooth finish edge.
- L. When utilized, concrete curbing shall be installed on a thoroughly compacted gravel base of six inches minimum thickness. When utilized, bituminous curbing shall be installed on the base course of the pavement. The specified traveled way width above shall be measured between the curbs.

7. Construction Standards

- A. Clearing shall consist of cutting and disposing of all trees, down timber, stubs, brush, and bushes that interfere with excavation, embankment, clear vision, or otherwise considered objectionable within the right of way.
1. In fill areas of five (5) feet or more in depth, measured from the subgrade to old ground, STUMPS will be allowed to remain but shall be cut as close to the ground as practical: in no case will stumps exceed a height of six (6) inches above the surrounding ground or eight (8) inches in diameter.
 2. In fill areas of five (5) feet or less in depth, measured from the subgrade to old ground, all stumps, bushes and objectionable materials shall be removed and disposed of in waste areas (stump dumps) prior to the placing of the fill.
 3. Suitable waste material with all stumps removed may be used in the toe of slopes in fill areas. The toe of the slope area shall be defined as that area below the subgrade and outside of a 3 to 1 slope from the shoulder break. Suitable waste material is not meant to include trees, brush or parts thereof cleared from the right of way.

NOTE: Because of the disease carrying characteristics of elm trees, especially after being cut, they shall be disposed of within two (2) days after cutting. This may be accomplished by burying under soil in waste areas or by burning if lawfully permitted.

- B. The minimum thickness of materials after compaction shall meet the specifications below:

Minimum Materials Thickness				
Street Materials	Arterial	Collector	Minor	Industrial-Commercial
Aggregate Subbase Course (Max. sized stone 6")	18"	18"	18"	18"
Crushed Aggregate Base	6"	6"	6"	6"
Hot Bituminous Pavement				
Total Thickness	4"	4"	3½"	4"
Surface Course	1¼"	1¼"	1½"	1¼"
Binder Course	2¾"	2¾"	2"	2¾"

1. Gravel subbase and base shall be placed in a maximum 12" loose lifts.
2. Before any clearing has started on the right-of-way, the center line and side lines of the new road shall be staked or flagged at fifty foot intervals,
3. Before grading is started, the entire area within the right-of-way necessary for traveled way, shoulders, sidewalks, drainage-ways, and utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders and tree stumps shall be removed from the cleared area.
4. All organic materials or other deleterious material shall be removed to a depth of two feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the subgrade of the roadway. On soils which have been identified by the municipal engineer as not suitable for roadways, either the subsoil shall be removed from the street site to a depth of two feet below the subgrade and replaced with material meeting the specifications for gravel aggregate subbase below, or a Maine Department of Transportation approved stabilization geotextile may be used. Subject to approval of the Municipal Engineer.
5. Except in a ledge cut, side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical and back slopes shall not be steeper than 2 feet horizontal and 1 foot vertical, and shall be graded, foamed, limed, fertilized, and seeded according to the specifications of the MDOT erosion and sedimentation control plan. Where a cut results in exposed ledge a side slope no steeper than one foot horizontal to four feet vertical is permitted. If the side slope extends outside the required right-of-way, the Developer shall convey to the Town additional right-of-way, satisfactory to the Road Commissioner, sufficient to allow the Town to access, maintain, repair or replace the side slope and back slope area to the elevation of the proposed road.
6. All underground utilities shall be installed prior to paving to avoid cuts in the pavement.

Anticipated building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.

C. Bases and Pavement

1. Bases/Subbase.

- a. The aggregate subbase course shall be sand or gravel or hard durable particles free from vegetative matter, lumps or balls or clay and other deleterious substances. The gradation of the part that passes a three inch square mesh sieve shall meet the grading requirements.

Aggregate Subbase Grading Requirements	
Square Mesh Sieves	Percentage by Weight Passing Sieve Designation
¼ inch	25-70%
No. 40	0-30%
No. 200	0-7%

Aggregate for the subbase shall contain no particles of rock exceeding six inches in any dimension.

- b. The aggregate base course shall be screened or crushed gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three inch square mesh sieve shall meet the following grading requirements.

Aggregate Base Course Grading Requirements	
Percentage by Weight Passing	
Square Mesh Sieves	Percentage by Weight Passing Sieve Designation
½ inch	45-70%
¼ inch	30-55%
No. 40	0-20%
No. 200	0-5%

Aggregate for the base shall contain no particles of rock exceeding two inches in any dimension.

2. Pavement Joints. Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.
3. Pavements. The developer shall provide both the base layer and the surface layer of pavement.
 - a. Minimum standards for the base layer of pavement shall be the Maine Department of Transportation specifications for 19 mm plant mix. The pavement may be placed between April 15 and November 15, provided the air temperature in the shade at the paving location is 35° F or higher and the surface to be paved is not frozen or unreasonably wet.
 - b. Minimum standards for the surface layer of pavement shall be the Maine Department of Transportation specifications for 9 mm plant mix. The pavement may be placed between April 15 and October 15, provided the air temperature in the shade at the paving location is 50° F or higher.

4. Surface and Shoulder Gravel

Surface gravel may be used on shoulders and temporary turn-arounds. It shall be placed on top of the aggregate subbase, shall have no stones larger than two inches in size and meet the following grading requirements.

Surface Gravel Grading Requirements	
Square Mesh Sieves	Percentage by Weight Passing Sieve Designation
2 inch	95-100%
½ inch	30-65%
No. 200	7-12%

8. Road Drainage Standards

- A. Design of best management practices shall be substantially equivalent to those described in the Storm Water Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection, 1995.
- B. Drainage easements for existing or proposed water courses shall be provided at least 30 feet wide, conforming substantially with the lines of existing natural drainage. All streets shall be provided with adequate drainage facilities to provide for the removal of stormwater to prevent flooding and erosion of adjacent properties.

- C. All road construction shall provide for collection and transport of stormwater and groundwater away from the roadway. Catch basin, pipe, and underdrain systems will be utilized in areas where ditching is not practical.
- D. Ditching shall have a minimum depth to reach the bottom of the roadway subbase to ensure free draining roadway material. Ditch inslopes shall have a minimum of three feet horizontal to one foot vertical slope, but outslopes can be two feet horizontal to one foot vertical provided native soils are stable or stabilized.
- E. Ditches shall be vegetated, by appropriate, site specific means. All ditch profiles shall match, to the extent possible, the corresponding roadway slope. Any ditch slopes in excess of 5% shall be rip rap surfaced with angular stone, preferably blast rock.
- F. All storm drainage structures and pipe shall meet the material requirements of the Maine Department of Transportation Standard Specifications.
- G. Any street that the water runoff may influence a river, stream, brook or Pushaw Lake shall have a storm water plan prepared by a Professional Engineer. The plan shall be reviewed by the town's Engineer, at the Developer's expense.
- H. Culvert locations and sizes shall be approved by the Road Commissioner, or Planning Board as appropriate, and shall not be smaller than 15" in diameter and 30' in length and must be either Aluminized coated corrugated metal pipe, type 2 (ALCCMP), reinforced concrete or HDPE "Polyethylene smooth bore interior, double wall culvert". All culverts shall be below the level of the roadway gravel, if elevation permits, and if not they shall be insulated as approved by the Road Commissioner. Bedding and backfill shall be of native material from the pipe excavation up to the elevation of the roadway or driveway gravel. All entrances shall be constructed in accordance with the Town's Road Entrance Ordinance.
- I. Catch basins or drain manholes shall be pre-cast concrete in accordance with MDOT standards and when installed within the roadway shall be located at the curb line.
- J. Catch basins or drain manholes shall be provided at all changes in vertical or horizontal alignment unless specifically approved by the Road Commissioner, or Planning Board as appropriate.
- K. Catch basins or drain manholes shall be provided at least every 300 feet on straight runs of closed conduit drainage.
- L. All basins and pipes shall be flushed and sumps cleaned prior to activating a new drainage system.

9. Inspection and Certification Required

- A. In order to be considered for acceptance as a town way or public easement, the following requirements must be met:

1. At least five days prior to commencement of construction, the owner or contractor shall:
 - a. Notify the Road Commissioner in writing of the time proposed for the commencement of construction of the road improvements, so that the Town can arrange for independent inspections during the course of construction to ensure that said improvements are constructed in accordance with the requirements of this Ordinance and with proper materials and construction techniques.
 - b. Deposit with the Town Treasurer a sum of money equal to 2% of the estimated costs of the road improvements to pay for the costs of inspection. If the inspection account is drawn down by 90%, an additional 1% of the estimated costs of the improvements shall be deposited with the Town Treasurer. Upon satisfactory completion of the work and the cleanup of the area, any funds remaining in the inspection account shall be refunded.

B. If the inspecting official determines that any of the road improvements have not been constructed in accordance with this Ordinance and the approved plans, or with proper materials and construction techniques, the official shall notify the owner and/or contractor of the deficiencies in writing, with a copy to the Road Commissioner. If the deficiencies are not corrected to the satisfaction of the Road Commissioner, the road shall not be considered for acceptance by the Town. In the event that the proposed road is part of an approved subdivision, the Town may exercise any remedy available to it under the Subdivision Ordinance or any other law.

C. Upon completion of the construction of the road improvements and prior to consideration of the acceptance of the same as a town way or public easement, the Road Commissioner shall be provided with a written certification from a professional engineer, at the expense of the owner or contractor, certifying that the road improvements meet or exceed the design and construction requirements of this Ordinance. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility. In addition, "as built" plans prepared by a professional engineer shall be submitted to the Road Commissioner. If the road improvements are to be dedicated to the Town, the owner thereof shall provide the Town with a Warranty Deed in form and content acceptable to the Town Attorney, along with a title opinion from an attorney admitted to practice in the State of Maine certifying that the conveyed premises and related easements are being conveyed free and clear of all encumbrances, including but not limited to any liens for labor, materials or services.

10. Guaranty of Road Improvements

All road improvements shall be guaranteed by the owner and/or contractor against defects in materials or workmanship for a period of two years from the date of acceptance of the same. Prior to consideration of acceptance, the owner or contractor shall submit a sum of money equal to 2% of the estimated costs of construction to the Town Treasurer . If the funds have not been used to repair any defects within 2 years and eight months from the date of acceptance, any remaining funds shall be refunded.

11. Street Opening and Entrance Permits

- A. No person, utility or company may excavate in a town road without first obtaining a street opening permit from the Road Commissioner or designee, who shall be authorized to issue said permits and to impose reasonable conditions concerning traffic control and safety considerations. Any person excavating in a town road shall repair the same to the satisfaction of the Road Commissioner, or designee.
- B. No person shall install a culvert or driveway connecting to a town road without first obtaining an entrance permit from the Road Commissioner , or designee. The driveway and/or culvert shall be designed and installed so that it does not cause drainage problems to, or interfere with, the operation of the roadway drainage system.

12. Acceptance of Town Roads.

Nothing in this Ordinance shall be construed to abdicate the legislative authority of the Town Council to accept town ways or public easements pursuant to 23 M.R.S.A. § 3021 et. seq.

13. Applicability.

All roads to be constructed after the enactment date of this Ordinance shall meet the requirements of this Ordinance. Any road that has received Final Subdivision approval from the Planning Board prior to November 18, 2004 may be constructed to the standards of this Ordinance or constructed in accordance with the approval and requirements in effect at the time of the subdivision's approval.

14. Separability.

Should any provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other provision of this Ordinance.

15. Repeal of Prior Ordinance.

Except for applicability to approved subdivisions under Section 13, the Glenburn Road Ordinance adopted on March 10, 1980, as amended, is repealed as of the date of enactment of this Ordinance.

16. Conflict With Other Ordinances.

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawful rules, regulations, or ordinances, the most restrictive shall govern.

17. Damage to Town Ways / Public Easements

Any person who causes damage to any town way or public easement located in the Town of Glenburn shall be responsible for the costs to repair the same. The amount of damages shall be paid to the Town Treasurer within 30 days of the receipt of an invoice for the damages.

The person who causes the damage shall also be liable to the Town for any costs of collection, including reasonable attorney's fees.

Adopted 05/26/05

Amended 07/30/11 #4. Town Roads, C. Public Easements, #2.