

STREETS AND SIDEWALKS

Chapter 181

STREETS AND SIDEWALKS

ARTICLE I

Driveway Installations

- § 181-1. Permit required.
- § 181-2. Authority; effect on other regulations.
- § 181-3. Compliance required; change of use.
- § 181-4. Restrictions; applicability.
- § 181-5. Safeguarding traffic.
- § 181-6. Compacting backfill.
- § 181-7. Replacement of disturbed courses.
- § 181-8. Inspections and approvals.
- § 181-9. Installations and parking in right-of-way.
- §181-10. Costs of work.
- § 181-11. Other regulations to be met.
- § 181-12. Culvert.
- § 181-13. Construction per details and standards.
- § 181-14. Responsibility within highway limits.
- §181-15. Drainage.
- § 181-16. Manner of grading slopes.
- § 181-17. Manner of entry to right-of-way.
- § 181-18. Marking underground services.
- § 181-19. Time of completion.

ARTICLE II
Acceptance of Roads and Town Highways

- § 181-20. Documentation accompanying request for acceptance.
- § 181-21. General requirements.
- § 181-22. Draft instruments; review fee; review by Town.
- § 181-23. Acceptance.
- § 181-24. No Town actions other than Select Board vote constitutes acceptance.

ARTICLE III
Naming of Roads and Numbering of Buildings

- §181-25. Purpose.
- § 181-26. Definitions.
- § 181-27. Road naming.
- § 181-28. Future development.
- § 181-29. General addressing and numbering system guidelines.
- § 181-30. Road name signs.
- § 181-31. Implementation.
- § 181-32. Severability.
- § 181-33. Enforcement and remedies.

ARTICLE IV
Policy for Transportation
Construction and Improvements

§ 181-34. Adherence to sound engineering practices.

§ 181-35 Minimum standards.

§ 181-36. Culverts.

§ 181-37. Roadside ditches.

§ 181-38. Bridges.

§ 181-39. Agency of Transportation guidelines.

§ 181-40. Deviations from policies.

§ 181-41. Applicability.

§ 181-42. Authority for final decisions.

§ 181-43. Verification of compliance; inspection report.

ARTICLE I
Driveway Installations
Adopted 7-7-1980

§ 181-1. Permit required.

Any person desiring access to a Town highway for any use shall obtain a permit therefor, pursuant to this chapter, prior to commencing any work on constructing such access or, if a driveway preexists such use, prior to commencing use of such driveway in support of such use.

§ 181-2. Authority; effect on other regulations.

The permit required by this chapter is issued in accordance with 19 V.S.A. § 43 relative to all highways within the control and jurisdiction of the Town of Rutland. The issuance of this permit does not release the applicant from any requirement of statutes, ordinances, rules and regulations administered by other governmental agencies.

§ 181-3. Compliance required; change of use.

The permit will be effective upon compliance with such of these requirements as are applicable and shall continue in effect for as long as the present land use continues. Any change from the present land use will require a new permit.

§ 181-4. Restrictions; applicability.

The permit required by this chapter is issued subject to the directions, restrictions and conditions contained therein and on the reverse of the permit form, and any attachments thereto, and covers only the work described in this application, and then only when the work is performed as directed. Violations are subject to the penalties set forth in 19 V.S.A. § 43, with fines of not less than \$100 nor more than \$10,000 for each violation.

§ 181-5. Safeguarding traffic.

The permit holder shall take all necessary precautions to safeguard the traveling public until the work is completed.

§ 181-6. Compacting backfill.

Backfill shall be thoroughly compacted to prevent future settlement of the highway.

§ 181-7. Replacement of disturbed courses.

Gravel, base and surface courses shall be replaced, if disturbed, by the permit holder.

§ 181-8. Inspections and approvals.

A. All new drainage pipes within the highway right-of-way shall be approved by the Selectmen or Road Commissioner before backfilling trenches.

B. An additional inspection and approval shall be obtained prior to paving drives.

§ 181-9. Installations and parking in right-of-way.

No installation or parking will be allowed within the highway right-of-way.

§ 181-10. Costs of work.

All construction costs and costs of material shall be at the permit holder's expense.

§ 181-11. Other regulations to be met.

All applicable town regulations and State Environmental Control Commission regulations must be met.

§ 181-12. Culvert.

A galvanized culvert with a minimum diameter of 12 inches (or size as requested by the Selectmen or Road Commissioner) minimum diameter galvanized culvert will be installed under the drive.

§ 181-13. Construction per details and standards.

Drives are to be constructed as per Detail A, B, or C, Standard for Residential and Commercial Drives.^ Also see Vermont Standards B71.

§ 181-14. Responsibility within highway limits.

The applicant or the applicants agent shall be responsible for any damage, repair or maintenance of the facility within the highway limits.

§ 181-15. Drainage.

No effluent from septic tanks or drainage fields will be allowed to drain onto the highway right-of-way.

§ 181-16. Manner of grading slopes.

The slopes within the highway right-of-way shall be graded in a workmanlike manner, seeded and mulched.

§ 181-17. Manner of entry to right-of-way.

The driveway to be constructed will enter the town right-of-way at an elevation not higher than that of the shoulder of the highway. The driveway to be constructed shall not exceed 5% grade per 20 feet from the edge of the traveled portion of the road. The angle that the driveway enters the road shall be determined by the Selectmen, who, in their determination, will

be guided by safe and practical ingress to and egress from the town highway.

§ 181-18. Marking underground services.

Underground services will require sleeves and markers to locate them and will be referenced on a map submitted with the permit or before use of the driveway.

§ 181-19. Time of completion.

All construction shall be completed within one year of the approved application.

ARTICLE II

Acceptance of Roads and Town Highways
Adopted 6-23-1997

§ 181-20. Documentation accompanying request for acceptance.

All requests for acceptance of roads as town highways by a landowner shall be accompanied by following:

A. Survey.

(1) A survey certified by a Vermont-licensed surveyor, showing outer limits of the land proposed for conveyance, with bearings and distances for straight lines and radii, arcs and chord lengths for all curves and turnaround areas. The survey shall show as built the roadway, any turnarounds, any sidewalks culverts and all slope and ditch areas. All roadways, turnarounds and sidewalks as built shall be within the land proposed for conveyance. If culverts, slopes or ditches extend outside the lands proposed for conveyance, the outer necessary easement areas shall be shown by bearings and distances, radii and chords, as appropriate.

(2) The survey shall also show as built, any underground utility lines which are within or cross the land proposed for conveyance or associated easements, including water, sewer, electric, telephone and television and all drainage areas on

the landowner's remaining land, and on parcels or lots previously conveyed by the landowner which are part of landowner's subdivision, over which surface water from the roadway will pass. The names of the owners of any such parcels or lots shall be shown on the survey, with the deed references to their deeds. The survey shall also show all information required to be shown on the survey elsewhere in these policies. The survey shall conform to the requirements of 27 V.S.A. § 1403.

B. Certified as built design specifications. Design specifications by a licensed Vermont engineer, to which all improvements and facilities for conveyance were built (including but not limited to roads, sidewalks, water and sewer lines and associated culverts, slopes, ditches, water drainage facilities, traffic signals, road striping, turning lanes, sewer waterline connection "T"s and other associated improvements and facilities). Specifications shall include cross sections every 100 feet. A licensed Vermont engineer shall certify that the design specifications are at a minimum consistent with the requirements of all applicable state and local regulations and the permits issued authorizing the improvements, and all of the improvements as built have been installed in accordance with the design specifications and all applicable state and local permits and plans approved by such permits.

C. Warranty deed. An executed Warranty Deed conveying fee-simple title to the land proposed for conveyance, and all necessary easements for culverts, slopes and ditches outside the land to be conveyed, all described by bearings, distances, radii, arcs and chords consistent with the survey. Necessary easements for roadway surface water drainage shall also be described.

(1) If the landowner has previously conveyed parcels or lots which are part of the landowner's subdivision over which surface water from the road passes, the deed to the town shall include easements for passage of road surface water across parcels or lots. It is the landowner's responsibility to either reserve these surface water easements in making parcel or lot conveyances or obtain them from owners thereof before requesting town roadway acceptance, in

either case so that these easements may be transferred to the town by the landowner along with roadway area.

(2) If the landowner is also requesting that the town accept a water or sewer line, the deed shall transfer ownership of the line. If all or any part of the line is outside or within 10 feet of the edge of the land proposed to be conveyed, that part of the line shall be shown as built on the survey, by appropriate bearings, distances, radii, arcs, and chords, and the deed shall include an easement 15 feet on either side of that part of the line (not including the area lying within the land proposed conveyance), plus an additional 10 feet by way of temporary easement during construction for location of machinery and placement of fill and other materials. If any water or sewer line or associated facilities crossing the land proposed for conveyance is not to be conveyed to the town, the landowner shall set forth that fact clearly in the deed, provide in the deed that the town will have no responsibilities for maintenance and repair and file with the deed a permit application under 19 V.S.A. § 1111(c) to maintain the line in the town property if and when the road is accepted.

(3) All easements required to be included in the deed shall include rights of installation, restoration, replacement, enlargement, maintenance and repair of facility or improvement for which the easement is granted.

(4) The deed shall convey all improvements and facilities constructed or installed within or under the land and improvements proposed for conveyance (whether constructed or installed as of the date of the deed or thereafter), excepting only any water or sewer lines and associated facilities specifically excluded and electric, telephone, cable television and similar facilities owned by utility companies. The deed shall include the Waiver of Development Rights covenant required by the Environmental Protection Rules of the Vermont Agency of Conservation (Subdivision Regulations), Section 3.06, as amended.

D. Subdivision deferral permit application. A deferral permit application for the land proposed to be conveyed, as required by Section 3.06 of the Subdivision Regulations, signed by the landowner. The town may sign the application so that the landowner may process it with the Agency of Conservation. Signing of the application by the town shall not constitute commitment or agreement to accept the land proposed for conveyance.

E. Subdivision permit required for remaining land. A permit or deferral permit under the Subdivision Regulations for any remaining land of the landowner which would be left subject to the Subdivision Regulations after the conveyance of the town.

F. Property transfer return. A Vermont property transfer tax return, signed by the landowner with all parts filled in (except for the section pertaining to the Subdivision Regulations, which must await issuance of the deferral permit).

G. Act 250. If the roadway is subject to an Act 250 permit, the appropriate permit number shall be filled in on the Vermont property transfer tax return, and the following shall be supplied along with the return: a copy of the Act 250 permit, and all amendments and a certification by a licensed surveyor or engineer that the land and easements proposed for conveyance are so located on the property and of a sufficient width as to comply with the Act 250 permit as amended. If the landowner claims the road is not subject to Act 250, then an opinion by a Vermont attorney shall accompany the property transfer tax return explaining the reason for the exemption, and the appropriate exemption spaces in the return shall be completed.

H. Title certificate. A title certificate prepared and signed by a Vermont attorney certifying to the marketability of the land and easements proposed for conveyance, stating the names of all record owners of the land and easements proposed for conveyance and noting any mortgages, easements, restrictions, other encumbrances which might affect the town's title to or use of both the land and the easements.

I. Partial discharges and releases. Executed partial

discharges of mortgages and executed releases of other restrictions and encumbrances noted on the attorney's title certificate.

J. Security for maintenance and any continuing permit obligations. An indemnification agreement signed by the landowner backed by letter of credit issued by a Vermont bank under which the landowner agrees to indemnify and hold the town harmless for its costs in performing any work necessary to repair and/or replace any of the improvements proposed for conveyance which fail within one year of acceptance by the town (including but not limited to breakup of pavement, erosion of slopes or drainage areas or leaking or breaking pipes). The letter of credit shall provide that the town may draw upon it at any time within 18 months of acceptance of the improvements by signed draft accompanied by the town's certification to the bank that the town has incurred costs to perform work to replace or repair improvements proposed for acceptance by the landowner and accepted by the town, and specifying the amount of the costs. If any permit issued to the landowner contains a reopener under which the town as successor in title to the landowner could be required to install any additional improvements or facilities of any kind (including but not limited to additional turning lanes, signage, traffic signals, other traffic improvements) as a result of development or subdivision to the permit ("reopener improvements"), the indemnification/letter of credit shall also cover the town's costs of the reopener improvements, if required to be made by the District Commission or Environmental Board. The amount of the letter of credit and any extended period of time for the town to draw on account of reopener improvements shall be as agreed by the landowner and the selectmen prior to the town's accepting the improvements.

K. A review fee deposit in the amount of \$750, to be used pursuant to § 181-22 below.

§ 181-21. General requirements.

All roadways, turnarounds and sidewalks as built shall be located within the land proposed for conveyance.

A. All strips of land within which roads are located shall be at least 50 feet wide, and the radii of all turnaround

areas shall be at least 60 feet, unless greater widths and/or radii are required by permits. The width of the strip of land shall be increased to a minimum of 120 feet, and the radii of the turnaround areas to a minimum of 75 feet where sidewalks are installed.

B. Legal or recording requirements: All deeds, transfer returns, indemnifications and other instruments of transfer shall be signed by all record owners of title.

C. Paving requirements: Roadways 20 feet wide centered on a roadway cul-de-sac shall have a minimum-paved radii of 45 feet from center of cul-de-sac. Also required shall be two inches of blacktop base and a one-inch finish coat of blacktop.

§ 181-22.

Draft instruments; review fee; review by town.

A. Before submitting executed and signed instruments, the landowner shall submit drafts. The town will review the landowner's documentation as it deems necessary with the town's Attorney, engineer and/or surveyor and will then request that the landowner revise the documentation and supply any further documentation to meet any of their comments.

B. The landowners required review fee deposit will be used to defray the town's review costs, and any excess will be refunded to the landowner. If the town's review costs exceed the deposit, the landowner will reimburse the town for the excess prior to acceptance.

§ 181-23. Acceptance.

The land and easements and improvements proposed for acceptance shall only be accepted by vote of the Selectmen. If the Selectmen decide to accept the road, their acceptance shall be conditional and shall not effect until the town receives a Vermont attorney's supplemental title certificate to the date of recording, indicating that objections to marketability noted in the original title certificate have been cleared and that there is nothing new between the original title certificate and the date of recording affecting marketability.

§ 181-24. No town actions other than Select Board vote

constitutes acceptance.

Nothing in these policies, and no actions of the landowner or the town pursuant to these policies or otherwise (including but not limited to the town's inspection during construction or approval of the work or materials), shall be construed as imposing an obligation on the Town to accept any land or easements proposed for conveyance to the Town or any associated roadway or other improvements or as an acceptance thereof Whether to accept or not to accept any such land, roadway, or improvements shall be in the sole discretion of the Selectmen.

ARTICLE I II
Naming of Roads and Numbering of Buildings
Adopted 5-28-1996

§ 181-25. Purpose.

A. In accordance with 24 V.S.A. Chapter 59, Chapter 61, Subchapter 11, and Chapter 117, and 23 V.S.A. Chapter 24, the Board of Selectmen of the Town of Rutland hereby establishes the following article in order to develop a more uniform road naming and road location addressing system throughout the Town of Rutland to enable people to locate roads and addresses and to effectively provide emergency services and deliveries to Town citizens.

B. This article is hereby designated a CIVIL ordinance and shall be enforced according to 24 V.S.A. Chapter 59 and 23 V.S.A. Chapter 24.

§ 181-26. Definitions.

As used in this article, the following terms shall have the meanings indicated:

PUBLIC ROAD — A state or Town highway identified on the latest A.O.T. General Highway Map for the Town of Rutland.

ROAD — A public road, a state or Town highway identified on the latest A.O.T. General Highway Map for the Town of Rutland; or any nonpublic road, street, right-of-way, shared driveway, or other way which provides access to three or more dwellings.

STRUCTURE — Includes any dwelling, any public building, any place of business, and any building which the Board of Selectmen or its designee determines should have a separate location number in order to effectively provide emergency services.

§ 181-27. Road naming.

A. Each road, as defined herein, shall be assigned a name by the Board of Selectmen or its designee. The Board of Selectmen or its designee may determine that other roads, streets, rights of way, or other ways providing access to a structure, may require a name if necessary to effectively provide emergency services.

B. Attached to this article is a list and map of all current roads and road names in the Town of Rutland and the names of such roads are hereby adopted. See Attachment A. Each road not named in Attachment A shall receive a proposed name by resolution of the Board of Selectmen at a regularly scheduled meeting of the Board. The proposed road names must be separate and distinct from other designated road names in the Town of Rutland and surrounding communities.

C. The Board of Selectmen shall add names to Attachment A by following the procedures for adoption and amendment of ordinances as set forth in 24 V.S.A., Chapter 59. In addition to the statutory provisions, the adoption procedure for new road names under this article shall include providing notice of the proposed amendment with the proposed road name to all landowners on that road via individual or bulk mailing or by a notice in a newspaper circulating in the municipality. Within 30 days of the passage of the resolution to amend Attachment A for purposes of naming a road, affected individuals in the Town of Rutland may request the Board of Selectmen to hold a hearing on the proposed amendment, or may offer written comments to the Board of Selectmen on the proposed amendment. Unless the resolution is withdrawn, revoked or amended by the Board of Selectmen, the resolution amending Attachment A shall become effective 60 days after the date of the resolution in accordance with 24 V.S.A. Section 1972.

D. The Board of Selectmen may change the names of any road, after a duly-warned public hearing, when necessary to promote public welfare and safety.

§ 181-28. Future development.

A. Prior to the approval of a subdivision by the Planning Commission, the subdivider shall furnish a plan for road naming and road numbering in accordance with this article to the Planning Commission and Board of Selectmen. The subdivider shall be responsible for installation of road signs and location numbers prior to the issuance of any permits for construction on any of the subdivided lots.

B. Following the adoption of this article, the written approval of the Board of Selectmen or its designee is required for any proposed road name and location numbers of any new structure for which an Act 250 or highway access permit is required.

C. Where a new or reconstructed structure is not otherwise subject to § 181-28B, and when the Board of Selectmen or its designee determines that, in order to promote the purposes of this article, the new or reconstructed structure should be assigned a location number or should have its existing location number changed, the Board of Selectmen or its designee shall provide the owner of the structure with a written order of the assignment or amendment of the structure's location number. This owner shall comply with § 181-29 of this article within 60 days of the date of the order unless the order specifically provides a different date by which compliance is due.

§ 181-29. General addressing and numbering system guidelines.

A. Roads officially named by the Board of Selectmen of the Town of Rutland shall be measured in segments of 5.28 feet (1/1,000 mile). Even numbers shall be assigned to the right side of the road and odd numbers to the left as they proceed from the starting point.

B. The Board of Selectmen or its designee shall assign each

structure, as defined herein, a location number based upon its distance (i.e., the number of 5.28-foot segments) from the starting point of the road to the center of the driveway or entrance from the road to the structure, if possible. The Board of Selectmen or its designee shall have the authority to assign a location number utilizing other physical information regarding the structure, if appropriate and necessary in order to effectively provide emergency services.

C. Each of the location numbers for structures must be at least four inches high and at least two inches wide. Location numbers must be dark in color on a light-colored background with no other markings or symbols.

D. Numbers must be clearly visible from the road if the location number signs are affixed to the structure. If the location number affixed to the structure is not clearly visible from the road, the location number shall be affixed on a board or plaque no smaller than eight inches wide by four inches high and such board or plaque affixed to a post, pole, fence or other structure near the driveway entrance so as to be clearly visible from the road during all seasons.

E. Numbers may only be affixed to a mailbox if there is a single mailbox located at the entrance to the structure from the road, and, in such event, the location number shall be on both sides of the mailbox. If there are multiple mailboxes at a single location or the mailbox is on the opposite side of the road to the entrance to the structure, no location numbers may be placed on the sides of the mailbox and any identifying information shall only be marked on the front of the mailbox facing the road.

F. The property owner is responsible for the purchase and installation of location numbers to be installed.

G. A multiple dwelling or use structure shall bear one number for each dwelling or use where possible. If each dwelling or use does not have a separate number, then the Board of Selectmen or its designee shall determine the appropriate numbering of each dwelling or use so as to provide emergency services effectively.

H. All location numbers shall be maintained so as to maintain clear visibility of the location number.

§ 181-30. Road name signs.

A. The Board of Selectmen, upon adoption of this article, shall institute a program for the installation and maintenance of municipal and private road name signs in accordance with this article. All nonpublic roads shall also be properly signed. The cost of initial installation (purchase and installing post and sign) shall be paid by the Town for public roads listed on Attachment A and by the owners/users of existing nonpublic roads listed on Attachment A. The owners/users of nonpublic roads shall be responsible for the maintenance, repair and replacement of such road signs for the nonpublic roads. The Town shall be responsible for the maintenance, repair and replacement of roads signs on public roads.

B. All road signs shall conform to the Manual on Uniform Traffic Control Devices for Roads and Highways.

C. All road signs shall be maintained so as to maintain clear visibility of the name of the road.

§ 181-31. Implementation.

A. The Town shall ensure, through cooperative efforts with the Post Office, that each property owner is notified of the implementation of this article.

B. All structure owners shall install their location numbers within 60 days after the adoption of the road name upon which the structure is located.

§ 181-32. Severability.

If any portion of this article and any amendments made hereto are held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this article and any amendments made hereto shall not be affected and shall remain in full force and effect. If any statute referred to in this article shall be amended, this article shall be deemed to refer to such statute as amended.

§ 181-33. Enforcement and remedies.

A. The designated Enforcement Officer is the Town Administrator.

B. This article is designated as a civil ordinance pursuant to 24 V.S.A. Section 1971 (b). This article shall be enforced through the Traffic and municipal Ordinance Bureau pursuant to 23 V.S.A. and 24 V.S.A. Chapter 59, as may be amended from time to time.

C. Civil penalties.

(1) The following civil penalties are hereby imposed for violation of this article:

Violation Penalty

First \$50

Second \$100

Third \$200

Fourth and subsequent \$400

(2) Each day a violation continues shall constitute a separate violation.

D. Waiver fees.

(1) In cases where violations of this article are brought in the Traffic and Municipal Ordinance Bureau, and where the violation is admitted or not contested, in lieu of the above, the following waiver penalties are imposed:

Violation Waiver Fee

First \$25

Second \$50

Third \$100

Fourth and subsequent \$200

(2) Each day a violation continues shall constitute a separate violation.

E. In addition to any other remedy provided in this article or available at law or equity, the Town of Rutland may institute a suit for an injunction to prevent, restrain or abate violations of this article.

