

**TOWN OF BELGRADE**  
**MUNICIPAL STREET AND ROAD ORDINANCE**

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**SECTION 1 - PURPOSE:**

- A. To establish minimum specifications for municipal streets and roads.
- B. To set a procedure for acceptance of a private way to become a municipal street or road.

**SECTION 2 - AUTHORITY:**

This ordinance has been prepared in accordance with the provision of Title 23 MRSA Chapter 304. This ordinance shall be known as an may be cited as "*Town of Belgrade Municipal Street and Road Ordinance.*" Upon approval of this ordinance, the *Ordinance on Streets and Roads* adopted on March 6, 1971 is hereby repealed.

**SECTION 3 - APPLICABILITY:**

This ordinance applies to municipal streets and roads laid out and constructed by the Town of Belgrade or to be created by dedication and acceptance in accordance with Title 23 MRSA Section 3025.

**SECTION 4 - LIMITATIONS:**

- A. The Town shall accept streets and roads only by vote of the legislative body.
- B. Nothing in this ordinance shall be construed as prior commitment by the Town to accept any new street or road, irrespective of its condition or of any work performed in anticipation of acceptance by the Town.
- C. Streets or roads that have been laid out and partially constructed or streets and roads used for private travel prior to the passage of this ordinance shall comply with all the requirements of the ordinance before dedication to the Town with the exception of design by a registered professional engineer.

D. Any street or road to be built by the Town or to be built and dedicated to the Town as public way on or after the date of acceptance of this ordinance, must be designed by a registered professional engineer, and built to design standards set forth in this ordinance.

**SECTION 5 - ADMINISTRATION:**

A. An applicant for Town acceptance of any new street or road must be eighteen (18) years of age or older.

B. Qualified applicants must file a plan with the Town showing the following:

1. The scale of the plan.
2. The direction north and date of magnetic bearing.
3. The starting and ending points of the street or road with relation to existing buildings and/or landmarks.
4. The Right-Of-Way (R-O-W) lines in relation to existing buildings and/or landmarks.
5. Dimensions, both lineal and angular, necessary for locating boundaries, and necessary for locating subdivisions, lots, easements, and building lots.
6. All lots abutting, Right-Of-Way (R-O-W) and their owners of record.
7. All natural water ways and water courses within the Right-Of-Way (R-O-W) of the said street or road.
8. Location and specifications for all culverts.
9. Registered Professional Engineer's raised seal.

C. With the plan, applicant(s) shall submit a written application for acceptance on form(s) provided by the Town, together with application fee, if any. Applications shall include, but not necessarily be limited to the following information:

1. The names of the owner(s) of the land containing the street or road to be accepted.
2. The name or names of the developer(s) of the road, if any.
3. Evidence that all land required for the R-O-W of specified width can be deeded to the Town free of charge or any legal encumbrance.

D. Whenever an application for acceptance of any street or road is presented to the Board of Selectpersons, it shall be referred within forty-five (45) days to the Planning Board. The Planning Board shall proceed to examine the application and the site within forty-five (45) days of receipt of the final inspection [see Section 10(A)(4)] for streets and roads to be created under Section 4(D), or after receipt of application for streets and roads to be created under Section 4(C). The forty-five (45) day requirement may be adjusted to account for snow cover and weather conditions. No street or road shall be presented to the Town for acceptance until the Planning Board has made a careful investigation and reported to the Board of Selectpersons in writing that the provisions of this ordinance have been satisfied.

E. Applicants shall file with the Town any recommendation and/or findings and opinions from a registered professional engineer as required by this ordinance.

F. The Planning Board may waive one or more inspections required by Section 10 of this ordinance when a street or road meets the criteria of Section 4(C) providing the Board makes findings based on clear and convincing evidence that the requirements of this ordinance have been met with respect to the purpose of the inspection(s) being waived.

**SECTION 6 - SPECIFICATIONS:**

A. General Specifications: The following specifications shall apply jointly to streets and roads:

1. The graded areas between ditches shall be cleared of all stumps, roots, bushes, and perishable material, including trees and large rocks.
2. All developed areas of the road section shall be located within the R-O-W, and in no case shall the edge of the shoulder be less than eight (8) feet from either side boundary.
3. Adequate provision shall be made for the disposal of surface water through adequate ditches, culverts, or other means conforming with good engineering practice.
4. Culverts shall be of coated steel or recognized equivalents accepted by the Maine Department of

Transportation (MDOT). Roadway culverts shall not be less than fifteen (15) inches in diameter for road crossings, and twelve (12) inches in diameter for driveways. Manholes shall not be less than 30" x 30".

The above requirements notwithstanding, all culverts must be sized to handle maximum storm water runoff, but no less than the minimums.

5. Specifications for any proposed bridge construction shall be reviewed by a registered professional engineer with regard to suitability, and safety for the intended application. His/her written recommendations or comments shall be submitted with the application.
6. The design standard for turnarounds shall be of the *back-around* type, except that the Planning Board may authorize a *T-turnaround* or *cul-de-sac*.
7. Landscaping for the R-O-W is encouraged; however, no trees or shrubs shall be planted or transplanted within the R-O-W without permission of the Board of Selectpersons.

B. Specifications for Streets: Any traveled way which meets the building density as defined in the definition of a street (see Section 13) shall meet the following requirements, and the dimensional requirements for streets as specified in Appendices A and B.

1. The paved section shall accommodate two travel lanes and one parking lane for a two-way street, or accommodate one travel lane and one parking lane for a one-way street.
2. Graded shoulders shall extend to each side of the paved section, except that no shoulder shall be required when concrete, stone, or asphalt curbing are used. A graded shoulder shall be a minimum of four (4) feet if a box section is incorporated.
3. The finished surface of the paved section shall consist of a hot bituminous material.
4. A sidewalk shall be constructed on at least one side of the street. Such sidewalk(s) shall be laid out and constructed with due consideration to pedestrian safety, snow plowing requirements, and the concurrent or future placement of utilities.

C. Specifications for Roads: Any traveled way which meets the building density as defined in the definition of a road ( see Section 13) shall meet the following requirements, and the dimensional requirements for roads as specified in Appendices A and B.

1. The paved section of a road shall accommodate two travel lanes for a two-way road, or accommodated one travel lane for a one-way road.
2. Graded shoulders shall extend to each side of the paved section.
3. The finished surface shall consist of a hot bituminous material.

**SECTION 7 - EASEMENTS:**

Whenever it is required to alter an existing water course in constructing a street or road, a drainage easement shall be secured from the property owner(s) affected. Wherever the toe of slopes for ditches, shoulders, grading, and other purposes required by this ordinance cannot be adhered to within the required R-O-W limits, and grading or excavation is necessary beyond these limits, slope easements shall be secured from abutting property owners. Said drainage and slope easements shall be secured by the applicant without cost to the Town.

**SECTION 8 - DRIVEWAY ENTRANCES:**

Driveway culverts shall be installed in accordance with specification of this ordinance by property owner or developer. Such culverts shall be maintained by the Town following the acceptance of the street or road. Driveway culvert lengths shall be a minimum of twenty (20) feet, and shall extend at least six (6) inches beyond the base of a 2 to 1 slope on either side of the driveway.

**SECTION 9 - UTILITIES:**

Longitudinal runs of water mains and sanitary lines shall be located on opposite sides of the roadbed. Utility poles shall be so placed that any present or designated sidewalk may be contained within the boundaries of the street or road without obstruction by poles or appurtenances.

**SECTION 10 - INSPECTION DURING CONSTRUCTION:**

Streets or roads shall not be considered for acceptance by the Town unless they conform to the following:

- A. The road shall be inspected at the following milestones:
  - 1. At the point that the area to be constructed has been grubbed.
  - 2. At the point subgrade has been reached, and prior to the delivery of subbase gravel. This inspection may be waived by the Road Inspector if grubbed surface and subgrade are one in the same.
  - 3. At the completion of grading the subbase or base gravel.
  - 4. Upon completion of graded or paved surface.
- B. The inspections shall be recorded on a form(s) provided by the Town.
- c. Scheduling of inspections is the responsibility of the developer or builder.
- D. Inspection(s) shall be performed by a Road Inspector(s) who shall be appointed by the Board of Selectpersons.
- E. Reports of inspection required in Section A shall be provided to the Planning Board and developer within seven (7) days of the completed inspection.

**SECTION 11 - CONFLICTS AND OTHER ORDINANCES:**

Where this ordinance applies concurrently with, conflicts with, or is inconsistent with any other ordinance, regulation, or statute, the more restrictive provision shall control.

**SECTION 12 - SEVERABILITY:**

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

**SECTION 13 - DEFINITIONS:**

**Arterial-** A major thoroughfare which serves as a major traffic way for travel within and through the community.

**Base Gravel-** Gravel which contains aggregate not to exceed four (4) inches in diameter.

**Box Section-** A section of roadway which does not have an open subbase drainage to a ditch, which often times requires underdrain for the purpose of removing subsurface water.

**Collector-** A way serving at least fifteen (15) lots or dwelling units, or ways which serve as feeders to arterials.

**Common Borrow-** The material which does not contain aggregate greater than one-third (1/3) the depth of filled area.

**Construct-** To build, place, move upon, pave, grade, or make other physical improvements to land. Excavation, placing fill, and the like shall be included in this definition.

**Deadend-** A street or road which does not exceed 1500 feet in length and connects with a Town way at only one intersection.

**Industrial or Commercial-** Ways serving industrial or commercial uses.

**Local-** A way serving less than fifteen (15) lots or dwelling units.

**Private Way-** A way over which the general public has no right to pass by foot or vehicle. Anyone traveling on a private way or making repairs to it without owner permission would be subject to a suit for damages or trespass, the municipality has no responsibility and no legal right to spend funds to plow or repair a private way.

**Road-** That way or portion thereof where dwellings or other buildings are, or can reasonably be expected to be in the future to exceed the spacing for a street (defined below).

**Street-** That way or portion thereof where dwellings or other buildings are, or can reasonably be expected to be in the future, less than 200 feet apart.

**Subbase Gravel-** Gravel which contains aggregate not to exceed six (6) inches in diameter.

**Surface Gravel-** Gravel which contains aggregate not to exceed two (2) inches in diameter.