

WEST FAIRLEE HIGHWAY ORDINANCE FOR RIGHT OF WAY PERMIT, AND CONSTRUCTION WORK PERMIT

GENERAL:

It is the intent, where reasonably possible to implement these right of way standards for any utility, residential or commercial, in the Town of West Fairlee. This ordinance applies to right of ways within the Town of West Fairlee, and intersecting any highway, and shall be governed by this ordinance. Any modifications made to an existing utility may require a permit under this ordinance.

Act No. 86 of 1987 (30 VSA Chapter 86) ("Dig Safe") requires that notice be given prior to making an excavation. It is suggested that the Permit Holder or his/her contractor telephone 1-888-344-7233 at least 48 hours before, and not more than 30 days before, beginning any excavation at any location.

The Permit Holder is to have a supervisory representative present any time work is being done in or on the Town's right-of-way. A copy of this permit and Special Conditions must be in the possession of the individual performing this work for the Permit Holder.

Except with the specific, written permission of the Town, all work in the highway right-of-way shall be performed during normal daylight hours and shall cease on Sunday, on all holidays (which shall include the day before and the day following), during or after severe storms, and between December 1 and April 15. These limitations will not apply for the purposes of maintenance, emergency repairs, or proper protections of the work which includes, but not limited to, the curing of concrete and the repairing and servicing of equipment.

The Permit Holder shall be responsible for all damages to persons or property resulting from any work done under this permit, even if the Applicant's Contractor performs the work. All references to the Owner/Applicant also pertain to the Co-Applicant.

The Permit Holder must comply with all federal and state statutes or regulations and all local ordinances controlling occupancy of public highways. In the event of a conflict, the more restrictive provision shall apply.

The Permit Holder must, in every case where there is a possibility of injury to persons or property from blasting, use blasting mats and bags of sand, if necessary, to prevent the stone from scattering. All existing utility facilities shall be protected from damage or injury.

The Permit Holder shall erect and maintain barriers needed to protect the traveling public. The barriers shall be properly lighted at night.

The Permit Holder shall not do any work or place any obstacles within the town highway right-of-way, except as authorized by this permit.

The Permit Holder may pay the entire cost of the salary, subsistence and traveling expenses of any inspector appointed by the Engineer to supervise such work. The Town or Road Crew may modify or revoke the permit at any time for safety-related reasons, without rendering the Town liable in any way. In addition to any other enforcement powers that may be provided for by the law, the Town or Road Crew may suspend this permit until compliance is obtained. If there is continued use or activity after suspension,

the Engineer may physically close the work area and take corrective action to protect the safety of the highway users.

The Permit Holder shall be responsible to rebuild, repair, restore and make good all injuries or damage to any portion of the highway right-of-way that has been brought about by the execution of the permitted work, for a minimum period of eighteen (18) months after final inspection by the Town.

Any variance from approved plans is to be recorded on "as-builts" with copies provided to the town.

ACCESS:

The Permit Holder acknowledges and agrees that neither this permit nor any prior pattern of use creates an ownership interest or other form of right in a particular configuration or number of accesses to or through the highway right-of-way, and that the right of access consists merely of a right to reasonable access the general system of streets, and is not a right to the most convenient access or any specific configuration of access.

DRAINAGE:

The Permit Holder shall install catch basins, culverts and outlets as may be necessary, in the opinion of the Town and Road Crew, to preclude interference with the drainage of the highway.

UTILITY WORK; CUTTING AND TRIMMING TREES:

The Permit Holder shall obtain the written consent of the adjoining owners or occupants or, in the alternative, an order from the State Transportation Board in accordance with Title 30, Section 2506, Vermont Statutes Annotated, regarding cutting of or injury to trees.

In general, all utilities shall be located adjacent to the highway right-of-way boundary line and shall be installed without damaging the highway or the highway right-of-way. No pole, push-brace, guy wire or other aboveground facilities shall be placed closer than 10 feet

to the edge of traveled-way. If the proposed utility facilities are in conflict with the above, each location is subject to the approval of the Town and Road Crew.

Poles and appurtenances shall be located out of conflict with ditches and culverts.

Where the cutting or trimming of trees is authorized in the permit, all debris resulting from such cutting and trimming shall be removed from the highway right-of-way.

Open cut excavation for highway crossings is NOT the option of the Applicant, and may be utilized only where attempted jacking, drilling, or tunneling methods fail or are impractical. The Owner/Applicant shall obtain an appropriate modification of the highway permit from the Town or Road Crew before making an open cut.

For underground utilities, vertical or sharp cut faces, excepting ledge, shall not be permitted. Slopes or banks shall not exceed 1 on 1 ½. Slopes or banks shall not interfere with snow removal or sight distances. Slopes or banks shall be seeded and mulched prior to final inspection. Cribbing or other structures may be used where needed. However, snow removal and sight distances shall be maintained at a maximum where reasonably possible.

A final inspection is required by the Town, or its agent, prior to the use of any access. An approved final certificate shall be issued by the Town, or its agent, if all requirements of this ordinance have been met to the Town's satisfaction.

This Ordinance adopted on June15 2009

Selectboard of West Fairlee

Doug Sonsalla

Bonnie Cray

Beverly Jo Ash

Rev. 06/09

**WEST FAIRLEE RIGHT OF WAY PERMIT, ORDINANCE AND CONSTRUCTION WORK
PERMIT APPLICATION**

Applicant Name: _____

Business Name : _____

Mailing Address:

City: _____ **State:** _____ **Zipcode:** _____

Daytime Telephone: _____ **24 hour Telephone:** _____

Road(s): _____

Location of Town Highway Right of Way Work:

Name of Highway: _____ located on the _____ side of road

Distance _____ (feet/miles) from: _____ (known road)

Purpose:

The applicant agrees to maintain said access and adhere to the ordinances, directions restrictions and conditions forming this permit:

Signature of Applicant: _____ **Date:** _____

NOTICE: This permit is issued in accordance with Title 19, Section 1111, V.S.A. relative to all highways within the control and jurisdiction of the Town of West Fairlee. The issuance of this permit DOES NOT release the applicant from any requirements of the statutes, ordinances, rules and regulations administered by other governmental agencies. The permit will be effective upon compliance with these requirements as are applicable and in effect for as long as the present land use continues. Any change of the present land use will require a new permit. This permit is issued subject to the directions, restrictions, and conditions contained herein and any attachments, hereto, 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 Title 19, Section 111, V.S.A., for fines of not less than \$100.00, no more than \$10,000.00 for each violation. **This permit becomes void if work is not completed with one year from the date of issue as indicated on the preconstruction inspection.**

Inspections:

Preconstruction Inspection:

Date: _____ Performed by: _____

Directions, Conditions and Restrictions: _____

Final Inspection:

Date: _____ Performed by: _____

IMPORTANT INFORMATION FOR RIGHT OF WAY PERMITS

1. Please attach to this application:

- A plan or sketch of the Town highway including, but not limited to:
 - a. The Town highway indicating location(s) of the existing and new utility(ies).
 - b. Depths of underground utility(ies).
 - c. Diameter, length, and location of any existing or new culverts.
 - d. A north arrow and label.
- A locator map of where the access will be in relation to an intersection of two Town highways

2. The exact location of the proposed access must be staked to be visible from the road.

3. The application form and plans should be delivered to the Town Clerk's Office.

4. The proposed access site and plans must be reviewed by the Selectboard, or their agent, prior to construction. A minimum of 21 days review time is required to process applications

Please call 802-333-9696 for an appointment.

5. A final inspection is required before the permit will be issued. Please arrange for the final inspection while the contractor is still available to correct any problems.