

MUNICIPAL ROAD ACCEPTANCE ORDINANCE

SECTION 100 – TITLE: This ordinance shall be known and may be cited as the “Municipal Road Acceptance Ordinance” of the Town of Rockport, Maine.

SECTION 200 – AUTHORITY: This Ordinance is adopted pursuant to the Maine Constitution - Article VIII, Maine Statutes 30-A, M.R.S.A. § 3001, and the Rockport Town Charter – Article 2, Section 12.

SECTION 300 – PURPOSE: The purpose of this Ordinance is to provide a uniform, consistent, and equitable process for the dedication and acceptance of municipal roads.

SECTION 400 – PRELIMINARY THRESHOLD REQUIREMENTS: Prior to submitting an application for the dedication and acceptance of a road proposed to be accepted as a municipal road, the applicant must comply with the following standards.

401 – Fifty Percent Rule: Fifty percent of the lots abutting the private road proposed for acceptance as a municipal road must be developed, including the construction of the principal structure.

402 – Exception to Fifty Percent Rule: If the private road (or portion of the private road) proposed for acceptance as a municipal road extends between two municipal roads, connecting those two roads, then the fifty percent threshold requirement for applications for road acceptance under section 401 shall be reduced to twenty five percent.

403 – Connection to Municipal Road: The private road (or portion of the private road) proposed for acceptance as a municipal road must connect to an existing municipal road in a manner acceptable to the Public Works Director.

404 – Street Design and Construction Standards: The private road proposed for acceptance as a municipal road shall be built to the Section 12.2(B) Street Design and Construction Standards of the Rockport Subdivision Ordinance prior to an application being filed for road acceptance.

404.1 – If the surface course as defined in Table 12.2-4 of the Rockport Subdivision Ordinance is not completed at the time of application, the applicant shall deposit into a Town escrow account funds necessary to complete the surface course. The amount of escrow funds shall be determined exclusively by the Town Manager and Public Works Director.

SECTION 500 – APPLICATION PROCESS AND REVIEW PROCEDURE FOR THE DEDICATION AND ACCEPTANCE OF MUNICIPAL ROADS: This section outlines the process, procedure, and timeline required by the Town of Rockport to review and accept a private road as a municipal road.

501 – File Application, Fee, Dedication, Title Opinion, and Supporting Documentation with the Select Board: An application, fee, and supporting documentation including the

MUNICIPAL ROAD ACCEPTANCE ORDINANCE

dedication, deed, and survey shall be filed at the Town Office. Documentation shall include the following information.

501.1 – Warranty Deed: The applicant shall prepare a warranty deed with metes and bounds description of land to be offered as a proposed municipal road.

501.2 – Plot Plan: A plot plan of the proposed municipal road at a scale not more than (100) feet to one (1) inch including ownership of adjoining lots, drainage courses, drainage easements, and all angles, bearings, and radii.

501.3 – Road Profile: A profile of the proposed municipal road at a scale of (40) feet to one (1) inch.

501.4 – Road Cross Section: A cross section of the proposed municipal road at a horizontal scale of (5) ft. to (1) inch and a vertical scale of (1) foot to (1) inch.

501.5 – Information to be Included: The as built location, size, and materials of water and sewer mains, storm drains, culverts, and underground and overhead utilities.

501.6 – Warranty Agreement: The applicant shall provide a written warranty for a period of two years after the acceptance of the municipal road by the Town of Rockport. The warranty shall state that the applicant will be financially responsible for the repair of any defects or conditions as determined by the Public Works Director to be unsatisfactory to the Town of Rockport and which arise out of the failure of the applicant or developer to construct the road to Section 12.2(B) Street and Design Construction Standards of the Rockport Subdivision Ordinance.

501.7 – Title Opinion: Statement from an attorney that they have examined the title of the proposed municipal road and confirm that the applicant has marketable title to the proposed roadway.

502 - Filing Deadline: The application fee and supporting documentation must be filed at the Town Office four months prior to either the June or November vote.

503 – Inspection by Public Works Director and Road Commissioner of Proposed Municipal Road: The Public Works Director and Road Commissioner shall inspect the proposed municipal road for compliance with the Street Design and Construction Standards of the Rockport Subdivision Ordinance and report to the Select Board.

504 – Review by Municipal Attorney: The municipal attorney shall review the application, dedication, and supporting documentation for the proposed municipal road and report to the Select Board.

505 – Review and Recommendation by the Select Board: The Select Board shall review the application, dedication, and supporting documentation for the proposed municipal road. With

MUNICIPAL ROAD ACCEPTANCE ORDINANCE

respect to the threshold requirements noted in Section 400 above, the Select Board shall consider the recommendations of the Public Works Director, Fire Chief, and Police Chief as to whether or not acceptance of the private road (or portion of the private road) would be in the best interest of the town for public safety and/or road maintenance reasons.

506 – Review and Recommendation by the Budget Committee: The Budget Committee shall review the fiscal impact of the proposed municipal road and make recommendations to be included on the municipal warrant.

507 – Placement on the June or November Warrant: Pursuant to the provisions of Article II, Section 13 of the Town Charter, the Select Board may place the acceptance of the proposed municipal road on the June or November Warrant to be voted by Australian Ballot by the Legislative Body of the Town of Rockport.

SECTION 600 – MISCELLANEOUS PROVISIONS

601 – Performance Guarantee: Prior to a road being accepted as a municipal road the applicant shall provide the Town of Rockport with a performance guarantee for a period of two years from the date of acceptance to repair defects or conditions in the road that are determined by the Public Works Director to arise out of the failure of the applicant to properly design and construct the road to the Section 12.2(B) Street and Design Construction Standards of the Rockport Subdivision Ordinance.

601.1 – Form of Performance Guarantee: The performance guarantee, if required by the Select Board, shall be tendered in the form of a check payable to the Town, letter of credit, or performance bond, consistent with the Town of Rockport Subdivision Ordinance. In making any determinations with respect to the performance guarantee, the Select Board shall consider the recommendation of the Town Manager.

601.2 – Waiver of Performance Guarantee: The Select Board may waive the performance guarantee provided the road has been constructed and in place for a minimum of two years and there are no known defects at the time of the proposed acceptance as determined by the Public Works Director.

SECTION 700 – DEFINITIONS

Applicant: A corporation, individual(s) or other entity who owns the fee simple interest in the land area proposed to be dedicated and accepted by the Town of Rockport as a municipal road.

Australian Ballot: uniform ballot printed by the Town and marked in secret

Fee Simple: An absolute and unqualified interest in land being the broadest allowed by law.

Legislative Body: Voters of the Town of Rockport

Select Board: Municipal Officers of the Town of Rockport

MUNICIPAL ROAD ACCEPTANCE ORDINANCE

Municipal Road (also called a Town Way): An area or strip of land designated and held by the Town of Rockport for the passage and use of the general public by motor vehicle.

Private Road: A privately owned road over which neither the municipality nor the general public has the right to pass by vehicle or on foot.