

Public Road Acceptance Ordinance



Town of York, Maine

Most Recently Amended: May 22, 2021

Prior Dates of Amendment: November 7, 2017

May 19, 2012

November 6, 2007

November 2, 1993

Date of Original Enactment: July 24, 1985

ENACTMENT BY THE LEGISLATIVE BODY

Date of the vote to amend this Ordinance: May 22, 2021

Certified by the Town Clerk:


(signature)

on

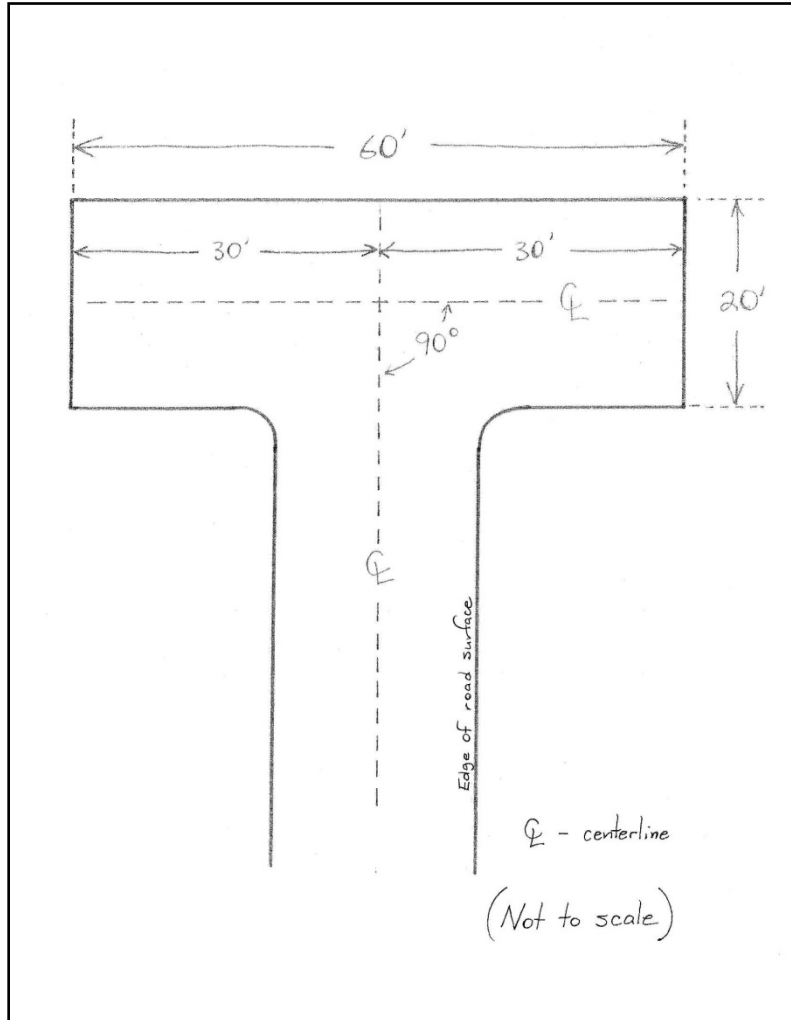

(date)

Public Road Acceptance Ordinance

1. **Purpose.** This Ordinance details the standards and procedures for the Town to accept ownership of roads. This Ordinance shall also provide non-binding direction for any Town road construction projects.
2. **Minimum Road Standards.** Any road which is presented for Town acceptance shall meet the following standards:
 - A. Right of way shall extend a minimum of 20 feet on each side of center line of road, except right of ways approved by the York Planning Board under subdivision review procedures shall extend 25 feet from center line.
 - B. No stumps, wood debris or organic matter shall be covered in the road bed at any depth and no ledge or large boulders shall be left within 18" of the finished road surface. Where necessary to facilitate drainage, line of sight or snow removal, all ledge, large boulders, trees and tree stumps shall be removed from the right of way to a depth of not less than 12" below the road surface. Road grades shall conform in general to the natural terrain.
 - C. Culverts shall be reinforced concrete, corrugated aluminum alloy, or high density polyethylene pipe. Culverts and drainage system shall be sized to meet the criteria of a fifty year storm event.
 - D. Base gravel shall contain no stones larger than 4" in diameter, shall comply in thickness with the table of standards in §2.J and shall extend the full width of the pavement and shoulders. Crushed gravel that will pass through a 2" square sieve shall be placed over the base gravel, shall comply in thickness with the table of standards in §2.J, and shall extend the full width of the pavement and shoulders.
 - E. Side slopes, back slopes and ditches shall be graded to a slope not steeper than 1' vertical to 3' horizontal within the right-of-way, and not more than 1' vertical to 2' horizontal outside the right-of-way. Except in ledge, all slopes shall be fertilized and seeded.
 - F. A dead-end road shall terminate in one of the following:
 1. for any road, a cul-de-sac turnaround of not less than 75' radius at the property line, with a 60' radius at the outer edge of pavement and a 40' radius at the inner edge of pavement with a pervious, vegetated center island; or

2. for a local road, a hammerhead turnaround shall be permitted in lieu of a cul-de-sac, provided it meets the following design criteria:

Hammerhead Turnaround



- G. Where proposed, underground utilities shall be installed prior to the placement of the road base gravel, and all underground utilities shall be stubbed out to the edge of the right-of-way for each possible service connection.
- H. The road shall not have less than three dwellings completed for occupancy.
- I. Bituminous Concrete (hot top) shall be applied in two courses, a base course and a surface course, each of which shall meet applicable Maine D.O.T. specifications, and which shall comply in thickness with the table of standards in §2.J.

J. Finished standards shall be:

Finished Standards	Local Road	Collector Road	Arterial Road
Min. Pavement Width	18'	20'	24'
Min. Shoulder Width	3'	3'	4'
Min. Centerline Grade	0.5%	0.5%	0.5%
Max. Centerline Grade	7%	6%	5%
Min. Roadway Crown	¼"/foot	¼"/foot	¼"/foot
Min. Centerline Radius	100'	350'	350'
Min. Tangent Between Reverse Curves	50'	150'	150'
Min. Angle of Road Intersections	85°	90°	90°
Design Speed	25	30	35
Max. Grade within 75' of an Intersection	2%	2%	2%
Min. Pavement Edge Radius at Intersection	15'	15'	20'
Min. Roadway Culvert Diameter	15"	15"	15"
Min. Driveway Culvert Diameter	15"	15"	15"
Base Gravel Course	18"	21"	24"
Crushed Gravel Course	3"	3"	3"
Base Course of Bituminous Concrete	2"	2½"	3"
Surface Course of Bituminous Concrete	1½"	1½"	1½"

Numeric minimum and maximum standards shall be interpreted literally as written, not as rounded to these amounts.

K. Road Hierarchy. The following shall apply:

1. A new arterial road shall not be a dead-end road, and must connect directly to an existing arterial road.
2. A new collector road must connect directly to an existing collector or arterial road.
3. A public road must connect directly to an existing public road.

L. Easements. When the road is offered for public acceptance, acceptance may be conditioned upon concurrent receipt of related easements, including but not limited to slope maintenance easements where side slopes extend outside the right-of-way, clearing easements to ensure preservation of safe sight distances at intersections, and drainage easements.

M. Public and Private Responsibilities. The request for a road to be accepted by the Town shall include a statement about the responsibilities for utility bills (as for street lights and fire hydrants) and maintenance of landscaping (as in the center of a cul-de-sac), either linking these responsibilities to road ownership or assigning them permanently to another party. If these responsibilities are

assigned to the Town, the Public Works Department shall be permitted to engage in maintenance in the most economical manner, even to the extent of removing landscaping that is difficult or expensive to maintain, or replacing custom lighting fixtures with standard fixtures. The assignment of these responsibilities to the Town does not ensure continued compliance with design standards in place at the time the road was designed or accepted.

- N. Divided Entrances. If the Town accepts a road with a landscaped divider, sign, or other structure at the beginning of the road, the Board of Selectmen may at any time require the divider, sign or other structure to be removed to make snow plowing and maintenance easier and more economical.
- O. Streetlights. Before the Town accepts a road with streetlights, all luminaires must be LED with a color temperature of no more than 3,000k. Additionally, fixtures shall be a type and style compatible with Town streetlights.

3. Procedures. The following procedural requirements shall be followed when a road is proposed for Town ownership pursuant to this Ordinance:

- A. This Ordinance does not apply to Planning Board development review procedures. Planning Board approval of a road during the development review process does not guarantee compliance with this Ordinance, nor does Planning Board approval guarantee road acceptance by the Town. The Planning Board may impose different standards for road construction pursuant to applicable codes.
- B. The owner of a road shall be the party to request public acceptance. The request shall be made in writing, and shall be delivered to the Board of Selectmen, with copies to the Town Manager and the Superintendent of Public Works. The written request shall include the following:
 - 1. A cover letter which summarizes the request.
 - 2. A plan of the road and the road right-of-way, which shall have been recorded at the York County Registry of Deeds prior to the time the road acceptance request is submitted to the Town.
 - 3. A warranty deed to the property within the street right-of-way, and for all easements offered in conjunction with the road.

4. A set of as-built plans, each of which shall be certified by a Maine-licensed Professional Land Surveyor, which shall include the following:
 - a. A plan view of the road and right-of-way as constructed, showing:
 1. the right-of-way property boundaries, and information to describe each property boundary which intersects the right-of-way boundary;
 2. survey monumentation and bearings and distances of property boundaries, sufficient to allow ready location of the right-of-way on the ground;
 3. edge of pavement, edge of shoulder, edge of sidewalk, and edge of curb;
 4. complete curve data for all horizontal curves;
 5. turning radii at all intersections;
 6. pavement marking;
 7. road signs;
 8. street lights, utility poles, fire hydrants, pump stations, and other utility features visible on the ground;
 9. elevation contours at not greater than 2' intervals;
 10. other roads which intersect this road, with an indication of ownership (private or public) for each;
 11. indication of the location of the sample cross-section; and
 12. other features as relevant.
 - b. A profile plan of the road at a scale not larger than 50'=1" with a vertical exaggeration not in excess of 10:1. This plan shall show the profile of the centerline of the road, and shall indicate grades at critical points along the centerline, and shall include complete curve data for all vertical curves.
 - c. A sample cross-section of the road drawn to a horizontal scale no larger than 5'=1" and a vertical scale of 1'=1". The location of this cross-section shall be indicated on the plan view.
 - d. A plan showing the size and location of all existing water lines, sewer lines, storm drains, culverts, underdrains and other underground utilities within the right-of-way, including all service feeds to properties along the road.

5. Certification by a Maine-licensed Professional Land Surveyor that all survey monuments shown on the recorded plan and as-built plans exist and have been physically located by the surveyor within 30 days prior to submittal of the road acceptance request.
 6. A report by a Maine-licensed Professional Engineer which assesses the road and its compliance with the standards of this Ordinance and its compliance with generally accepted engineering practices.
- C. The Superintendent may require data from cores (test borings) be provided for any road proposed for public acceptance to ensure adequacy of construction.
 - D. The Superintendent shall prepare a written report regarding compliance of the road with the standards of this Ordinance. The opinion shall explicitly address each standard in Section 2 of the Ordinance. The Superintendent shall have the authority, but is not required, to make a recommendation for road acceptance even if the road does not comply with the standards of this Ordinance, provided the road design meets sound engineering standards and practices (for instance, where steeper side slopes may be appropriate through an area of ledge). Any such substitution of standards shall be specifically called out and explained in the report. The report shall also include recommendations for any conditions associated with road acceptance pursuant to this Ordinance, including but not limited to inclusion of easements, responsibility for utility bills, and posting a financial security to guarantee repair of minor defects. This report shall be prepared for and delivered to the Town Manager and Board of Selectmen.
 - E. Upon receiving the Superintendent's report, the Board of Selectmen shall schedule a public hearing within 30 days to obtain input on the request.
 - F. Following the public hearing, the Board of Selectmen shall make a decision whether to present the request to the voters. If the Board of Selectmen receives a recommendation for public acceptance from the Superintendent of Public Works, it shall bring the matter to the voters at the next scheduled General or Special General Referendum. The Board of Selectmen may include reasonable conditions relating to road acceptance as part of the ballot question.

- G. The ballot question presented to the voters shall include a recommendation for or against passage from both the Superintendent of Public Works and the Board of Selectmen.
 - H. When a road is accepted by the voters, the effective date of road acceptance shall be the next business day following the vote.
4. **Saving Clause.** In the event any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, this finding shall not affect the remainder of this Ordinance.
5. **Effective Date.** This Ordinance, and amendments thereto, shall take effect upon passage by the voters of the Town of York.

Amended: May 22, 2021
 November 7, 2017
 May 19, 2012
 November 6, 2007
 November 2, 1993

Originally adopted: July 24, 1985