



# **TOWN OF BRISTOL DRIVEWAY ORDINANCE**

**Proposed March 18, 2008**

## **SECTION 1: TITLE**

This Ordinance shall be known and cited as the Town of Bristol, Maine Driveway Ordinance, and will be referred to as "this Ordinance".

## **SECTION 2: PURPOSE**

The purpose of this ordinance is to protect the health, safety and general welfare of the Inhabitants of the Town of Bristol by establishing entrance standards for driveways and standards for common driveways.

## **SECTION 3: AUTHORITY**

This ordinance is hereby adopted and hereafter amended pursuant to and consistent with Article VIII-A of the Maine Constitution and Title 30-A MRSA § 3001 (Home Rule).

## **SECTION 4: APPLICABILITY**

This ordinance applies to the first time construction of driveway entrances and common driveways, except those that will enter onto Route 130, Route 32, Harrington Road and Huddle Road which are State and State aid roads which may require a permit from the Maine Department of Transportation.

## **SECTION 5: AMENDMENTS**

- A. Amendments to this Ordinance may be initiated by:
  - 1. The Planning Board provided a majority of the Board has so voted;
  - 2. The Board of Selectmen provided a majority of the Board has so voted; or
  - 3. A written petition of a number of voters equal to at least 10% of the number of votes cast in the last gubernatorial election.
- B. The Planning Board shall hold a public hearing on the proposed amendment. Notification of the hearing shall be posted in the Town Office at least thirteen (13) days before the hearing and published in a newspaper of general circulation in the Municipality at least two (2) times with the date of the first publication at least twelve (12) days before the hearing and the date of the second publication at least seven (7) days before the hearing.
- C. An amendment to this Ordinance may be adopted by the majority vote of any regular or special Town Meeting.

## **SECTION 6: VALIDITY AND SEVERABILITY**

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

## **SECTION 7: EFFECTIVE DATE**

The effective date of this Ordinance is the date of adoption by the Town Meeting.

## **SECTION 8: ADMINISTRATION**

- A. The Code Enforcement Officer (CEO) shall administer this Ordinance.
- B. After the effective date of this Ordinance, no person shall construct a driveway or a common driveway without first obtaining a driveway permit.
- C. Applications for permits shall be submitted in writing. The CEO may require the submission of information which is necessary to determine conformance with the provisions of this ordinance.
- D. Permits shall not be denied if it is found to be in conformance with the provisions of this Ordinance. All permits shall be approved, approved with conditions or denied within fourteen (14) days of receipt of a completed application.
- E. All permits issued by the CEO shall expire if a start to construction has not begun within one (1) year after the date on which the permit was issued except as may be provided for in other sections. Upon good cause shown, the CEO may extend the permit for an additional six (6) months. After the expiration of the time periods set forth above, permits shall lapse and become void.
- F. The Board of Selectmen may from time to time establish the appropriate permit fees following posting of the proposed fees and a public hearing.

## **SECTION 9: STANDARDS**

Except as hereinafter specified, no structure, manufactured housing, or land shall hereafter be used or occupied; no structure or manufactured housing or part thereof shall hereafter be erected, constructed, expanded, moved or altered; and no new lot or private way to any Town Road shall be created except in conformity with all the regulations herein specified.

### **A. Private Driveways Serving Individual Lots.**

- 1. The maximum grade within thirty (30) feet of the driveway's intersection with the street shall not exceed 3%.
- 2. The driveway surface and ditches shall be stabilized to prevent erosion onto public roads and into ditches.
- 3. The driveway shall comply with Town of Bristol Application for Driveway Entrances.

### **B. Common Driveways.**

- 1. The following design and construction standards shall apply to common driveways:
  - a. Minimum travel width twelve feet (12');
  - b. Minimum angle of street intersections seventy-five degrees (75°)
  - c. Maximum grade within feet of intersections three percent (3%)
- 2. Adequate provisions shall be undertaken to minimize erosion and sedimentation.
- 3. Common entrances shall comply with Town of Bristol Application for Driveway Entrances.
- 4. All driveways shall be set back at least ten (10) feet from any boundary.

### **C. Drainage.**

- 1. Driveways shall be graded to ensure that drainage does not flow onto public ways.
- 2. The Board of Selectmen or its designee shall determine the length, diameter, type and depth of cover of any culvert to be installed.

### **D. Sight Distance.**

The driveway shall be located to maximize sight distance in both directions.

## **SECTION 10: ENFORCEMENT**

### **A. Code Enforcement Officer.**

It shall be the duty of the CEO to enforce this Ordinance.

### **B. Fines.**

Whoever willfully violates the provisions of this Ordinance shall upon conviction, be penalized in accordance with Title 30-A MRSA § 4452.

## **SECTION 11: APPEALS**

**If the CEO denies a permit or grants a permit with conditions that are objectionable to the applicant, an abutting landowner or any aggrieved party, or when it is claimed that the provisions of this Ordinance do not apply, or that the intent and meaning of this Ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting landowner or aggrieved party may appeal the decision of the CEO in writing to the Board of Appeals within thirty (30) days of the date of the decision. The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision or determination of the CEO.**

## **SECTION 12: DEFINITIONS**

**Common Driveways:** means a vehicle access way serving two (2) dwellings.

**Driveway:** means a vehicle access way serving one (1) dwelling.

**First time Construction:** means the clearing, excavation and filling associated with the placement of a driveway to serve a lot where a driveway did not previously exist.

Given under our hands this 18<sup>th</sup> day of March A.D. 2008.

Chad M. Hanna  
Robert A. Tibbetts  
Paul M. Yates  
Selectmen of Bristol

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Kristine A. Poland, Clerk