

TOWN OF BETHEL, VERMONT  
CURB CUT AND EXCAVATION ORDINANCE

ORIGINAL

I. Purpose :

- A. To regulate the installation of access (curb cut) to Town of Bethel highways, the safety of traffic on the Town road as well as exiting access traffic being the primary criteria for establishing where an access will be permitted on Town roads.
- B. To regulate all excavation work performed within the Rights-of-way of the Town of Bethel, due care being required to avoid damage to utilities and to provide for adequate restoration of roadways.

II. General Terms and Conditions, Curb Cuts:

- A. Access shall be constructed to Vt. Agency of Transportation Standard Specifications B-71 (attached) and the exact location shall be shown on a sketch or map submitted with the application for approval of Access.
- B. Visibility in either direction from entrance (facing town highway) shall be a minimum of 150 feet without obstruction to visibility.
  - 1. Trees, brush, posts, etc. will be removed if obstructing roadway vision.
  - 2. No access shall be constructed closer than 150 feet to a sharp curve or blind area.
- C. Entrance Access shall be constructed level with the Town road for a minimum of 25 feet.
- D. All Access roads should enter perpendicularly to the existing Town road.
- E. No Curb Cut will be permitted where there will be a restriction or hindrance of a gutter or waterway unless adequate provisions are made to alleviate such restrictions or hindrances; such provisions may be included as conditions within any permit issued, to which the applicant must be responsible. If applicable, a minimum of 18 inch coated steel culvert shall be installed and shall be maintained in a working condition by the property owner.
- F. The property owner shall maintain the curb cut to the satisfaction of the Town.

III. General Terms and Conditions, Excavation within Town Right-of Way:

- A. If this permit is issued for a water or sewer connection or both, the Town shall be notified by the Property Owner or Owner's Agent of such excavation, no later than 2 days prior to digging.  
(call Town Office at 234-9340)
- B. If any excavation takes place in a paved right-of-way within the Town right-of-way, the property Owner or Owner's Agent will repair the ditch with a minimum of 2 feet of gravel (sub-base) and 2 inch layer of hot-mix, or as specified by the Town, REPAIR OF ANY AND ALL ASPHALT SURFACES SHALL BE COMPLETED BY ONLY QUALIFIED/PROFESSIONAL PAVING CONTRACTORS . If the excavation takes place in a non-paved area but within the Town right-of-way, the Property Owner or Owner's Agent will repair and put the area back into its original form.

NOTE: IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER OR OWNER'S AGENT TO CONTACT THE POWER CO. AND THE TELEPHONE CO. FOR THEIR UTILITY LOCATIONS PRIOR TO EXCAVATION, AND TO DETERMINE WITH REPRESENTATIVES OF THE TOWN THE LOCATION OF TOWN UTILITIES.

- C. Any damage done to Town utilities by the Property Owner or Owner's Agent will be repaired by the Town at the Property Owner or Owner's Agent expense unless otherwise formally agreed to in writing.
- D. A right-of-way must be kept open at all times to allow emergency vehicles to pass. If the right-of-way is to be closed, emergency vehicle departments will be notified by the Property Owner or Owner's Agent.

IV Permits :

- A. Applications for permission to construct Curb Cut, or for permission to excavate within Town right-of-way, shall be on Form prescribed by the Board of Selectmen.
- B. Permits, under this Ordinance, unless otherwise stated, shall expire one year from date of approval.
- C. Violation of any conditions established in a granted permit may require the Board of Selectmen to revoke the permit. In matters relative to Curb Cuts, such violation may necessitate closing the access, at the discretion of the Board of Selectmen.

V. Notification:

- A. The Property Owner or Owner's Agent shall notify the Town of Bethel a minimum of 2 days in advance of work activity.
- B. Upon completion of work activity, the Property Owner's Agent shall notify the Town of Bethel within a reasonable time not to exceed 10 days that the intended work has been completed.

VI Liability:

- A. The Property Owner shall save and hold harmless the Town of Bethel from any damages as may occur to others as a consequence of work performed subject to the Ordinance.
- B. Any damage done to Town utilities, property or appurtenances as a consequence of work performed subject to this Ordinance shall be repaired by the Town at the expense of the property owner, unless otherwise formally agreed to.

VII Validity:

- A. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- B. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.
- C. These rules may be amended at any time by the Board of Selectmen of the Town of Bethel as provided by law.

VIII Ordinance in Force:

- A. This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.
- B. Passed and adopted by the Board of Selectmen of the Town of Bethel, State of Vermont on the 25<sup>th</sup> day of April, 1988.

Approved this 25<sup>th</sup> day of April, 1988

Attest \_\_\_\_\_  
Signed Jean Burdson  
Clerk

Eileen P. Mout  
Maurice Dyer  
Richard L. Lewis  
Board of Selectmen