

§ 310-58 Municipal private road maintenance.

[Added 9-26-1990]

A.

Upon petition of 80% or more of the owners of property on or directly serviced by a private road, the Board of Selectmen may designate said road for municipal private road maintenance. Upon designation, the owners shall collect (in any lawful manner arranged for by them) and pay to the Town a sum determined by the Town Engineer as adequate to complete an initial upgrade of said road to bring it up to passable condition. A maintenance fee shall likewise be collected and paid to the Town, which maintenance fee shall be determined by a proportional formula based upon the latest state aid road account figures. The maintenance fee shall be billed June 1 of any given year and paid by September 1 of that year. The maintenance period shall be from September 1 of the year of the payment to September 1 of the following year. Failure to pay said maintenance fee in full by said date, or the upgrade costs when due, shall operate to rescind the designation and absolve the Town of any responsibility to commence or continue maintenance. Redesignation after default shall be within the discretion of the Board of Selectmen for good cause shown. The initial petition shall specify a private road contact person and an alternate to serve in case of his or her unavailability who shall receive the annual billing.

B.

Limited maintenance to be performed by the Town shall be adequate to keep the road in safe and passable condition and shall be limited to plowing and sanding, pothole repair, basic drain cleaning and sweeping. Maintenance above and beyond the foregoing, including but not necessarily limited to drainage work and tree and brush removal, shall not be the responsibility of the Town. Owners of property shall continue to be responsible for any maintenance and repairs over and above that provided by the Town under this section.

C.

Performance of limited maintenance as set forth above shall not serve to establish in any way that said road has been accepted as a Town road, de facto or otherwise.

D.

Structural deterioration subsequent to designation which may cause said road to cease to be passable will be the responsibility of the owners, and the Town may require that said road be upgraded to passable condition before maintenance may continue, in the same manner as with initial designation.

E.

An affected owner of property objecting to designation and prospective maintenance shall notify the First Selectman in writing within 30 days of designation or by September 1 of said given year, and said objection shall be reviewed by the Board of Selectmen to determine whether said objection is a basis (because of legal concerns or otherwise) for rescinding designation and/or terminating or modifying limited maintenance.

F.

A private road is defined as a roadway open to public passage whose ownership can be attributed to an individual or group of individuals. Roads within condominium limits are not open to public passage and as such do not fall under this definition. Roadways serving three lots or fewer (maximum of four if permitted by the Planning and Zoning Commission) are designated as accessways and are also excluded from this definition.