

## **DRIVEWAY/ ENTRANCE CULVERT ORDINANCE TOWN OF LUBEC**

**1. PURPOSE:** This Driveway/Entrance Culvert Ordinance provides a means for the Town of Lubec to regulate the installation of culverts at driveways, entrances and private roadways that intersect with Town roadways at that intersection. This ordinance is a tool to be used to maintain proper roadway drainage, lessen the occurrence of roadway flooding and reduce impacts on traffic flow.

**2. AUTHORITY:** This ordinance is pursuant to 30-A MRSA 3001 (Home Rule).

2.1 The effective date of this ordinance shall be 30 days after approval by the voters of the Town of Lubec at a Town Meeting.

2.2 This ordinance shall apply to all culvert installations commenced after the effective date of this ordinance.

**3. ADMINISTRATION:** The Board of Selectmen or their appointed agent shall act on all Driveway/Entrance Culvert permits within 30 days after a completed application is received and the Lubec Public Works Director has reviewed the application.

3.1 The Lubec Public Works Director shall determine the size, type and location of the culvert to be installed.

3.2 The applications for Driveway/Entrance Culvert permit shall be available at the Lubec Town Office. The Town Clerk shall accept completed copies of the application and place the forms on file in the Town Office.

**4. DRIVEWAY/ ENTRANCE CULVERT PERMIT:** Before any driveway/ entrance or private roadway that intersects with a Town road is constructed, the owner or his/her agent shall complete a Driveway/ Entrance Culvert permit application. Said application must be approved by the Board of Selectmen or their appointed agent before construction can be commenced.

4.1 Application to include the following:

A. Map and Lot number

B. Sketch of the location and layout of proposed driveway/ entrance or roadway.

4.2 The application for Driveway/ Entrance permit shall be free.

4.3 The cost of the culvert(s) shall be the responsibility of the owner. The installation, initial and subsequent replacements, shall be the responsibility of the municipality.

4.4 The permit shall be valid for six (6) months from date of approval.

**5. ENFORCEMENT:** This ordinance shall be enforced pursuant to 30-A MRSA 4452 and all penalties and remedies contained within that statute, as amended, shall apply to any violation of this ordinance.

5.1 Any violation of this ordinance shall be deemed a violation of the law. 30-A MRSA 4452.

5.2 It shall be the duty of the Code Enforcement Officer to enforce the provisions of this ordinance. If the Code Enforcement Officer shall find that any provision of this ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Copies of such notices shall be delivered to the Selectmen and maintained as a permanent record.

5.3 When the above action does not result in the correction or abatement of the violation, the Municipal Officers are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations, that may be appropriate or necessary to enforce the provisions of this ordinance in the name of the Municipality.

**6. CONFLICTING PROVISIONS:** Whenever the regulations made under authority hereof differ from those described by any Federal or State Statute, Ordinance, or other regulations, that provision which impose the greater restriction or higher standard shall govern.

**7. PENALTY FOR VIOLATION:** Any person, persons, firm or corporation responsible for installing a culvert or culverts without first obtaining a Driveway/ Entrance Culvert permit shall be liable for all costs incurred by the corrective action taken by the Town, including but not limited to, court fees, wages, materials.

**DRIVEWAY/ ENTRANCE CULVERT PERMIT APPLICATION  
TOWN OF LUBEC**

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1. APPLICANT NAME: \_\_\_\_\_

2. APPLICANT ADDRESS: \_\_\_\_\_

3. APPLICANT PHONE: \_\_\_\_\_

4. MAP \_\_\_\_\_ LOT \_\_\_\_\_ ROAD/ STREET NAME \_\_\_\_\_

5. IS THIS PROPOSED ACTIVITY WITHIN LAND REGULATED BY LUBEC'S  
SHORELAND ZONING ORDINANCE? \_\_\_\_\_

IF YES WHICH ZONE. RP GD LR WW LC SP

6. IS THIS A BUSINESS LOCATION? \_\_\_\_\_

7. SKETCH OF LOCATION AND LAYOUT OF PROPOSED ACTIVITY.

Please indicate measurements from abutting property lines.

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SIGNATURE OF APPLICANT \_\_\_\_\_

DATE: \_\_\_\_\_

NOTE: Any person, persons, firm or corporation that installs a culvert or culverts without first obtaining a driveway/ Entrance Culvert permit, shall be liable for all costs incurred by the corrective action taken by the Town of Lubec as stated in the Driveway/ Entrance Culvert Ordinance.

**For Town Use Only Below This Line**

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Date Received: \_\_\_\_\_

Public Works Director Signature: \_\_\_\_\_

Culvert Specs: Type \_\_\_\_\_ Diameter \_\_\_\_\_ Length \_\_\_\_\_

Date Approved: \_\_\_\_\_

Selectman/ Agent Signature: \_\_\_\_\_

CEO Visit Date: \_\_\_\_\_

CEO Signature: \_\_\_\_\_

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Glossary: RP= Resource Protection, GD= General Development,  
LR= Limited Residential, WW= Working Waterfront, LC= Limited  
Commercial, SP= Stream Protection