

## Chapter 16

### ROAD ACCEPTANCE

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#### **Sec. 16-1. Purpose.**

(a) The Town of North Smithfield encourages the upgrading and redevelopment of some private roads to town-approved standards. This policy is rooted in the town council's serious concern that inadequate roadways jeopardize public health and safety. As development proceeds, the potential for pedestrian and vehicular accidents escalates.

(b) In recognition of the concern for public health and safety, the town council of the Town of North Smithfield has determined the need for development of a structured procedure for the acceptance of private roads, which are already significantly developed, into the town highway system. Such road acceptance may necessitate the physical improvement of a roadway by the private road owner(s), yet will also mandate the town to accept all responsibility for future maintenance, improvements, and ownership. The road acceptance procedure deemed appropriate to address this stated policy is set out herein as follows.

(Ord. of 6-19-95)

#### **Sec. 16-2. Petition of private roadway owners.**

A significant number of the owners of a private roadway (not a subdivision road) desiring consideration for public road acceptance must submit a petition requesting such consideration to the office of the town planner. Said petition must include a detailed description of the roadway presented for consideration and must be accompanied by a concept plan and profile drawing.

(Ord. of 6-19-95)

#### **Sec. 16-3. Petition requirements.**

All road acceptance petitions shall be subject to and conforming to one or more of the following:

- (1) *Requirement A.* All petitions must adhere to this requirement. It requires petitioners pay all costs relating to the application including, but not limited to: 1. public hearing; 2. attorneys to perform all legal work associated with transferring of property including rights-of-way, granting easements and etc.; engineering work to prepare plans, survey properties, install property boundaries and etc.; land acquisition and/or easements. Category 1.01 and 2.01 are reasonably drained established private roads that have received continuous full town maintenance and public use.

- (2) *Requirement B.* Requirement B is that petitioners pay all cost mentioned in Requirement A along with the cost of purchasing and installing drainage materials. The petitioners will pay for required road surface preparation (i.e., crack sealing, pothole patching) and surface overlay. The typical section should meet a standard of 20 feet minimum of pavement within a forty-foot right-of-way. The board may require a maintenance bond upon completion of required improvements.
- (3) *Requirement C.* This requirement includes paying all costs included in Category A and B along with other road and storm drainage construction in accordance with subdivision regulations. These other costs include total service costs including labor, material, and equipment to excavate and construct a new road to the current subdivision standard.

(Ord. of 6-19-95)

#### **Sec. 16-4. Director of public works review and recommendation.**

The planner shall forward the private roadway owners' petition with all accompanying plans and drawings to the director of public works for report and recommendation to the planning board. At minimum, the director shall evaluate the petition for:

- (1) Compliance with all elements of the most recent Comprehensive Plan adopted by town council.
- (2) Development impact which could be created by public road acceptance.
- (3) Determination of road classification and road improvement requirements (see Appendix A to the ordinance enacting this chapter).
- (4) Drainage and erosion control improvement requirements.
- (5) Ownership and land evidence requirements.
- (6) Other concerns.

Upon completion of this review and after proper site inspection and consultation with the petitioners, the director of public works shall prepare a written recommendation noting the foregoing considerations and presenting a preliminary cost estimate for all recommended improvements.

(Ord. of 6-17-96)

#### **Sec. 16-5. Planning board review of report and recommendation.**

Upon receipt of the director of public works' report and recommendation, the planning board shall forward a copy of said report and recommendation to the town council with additional comment where appropriate. The town council, after holding a public hearing, shall review all information submitted and determine whether the petition:

- (1) Is in accord with most recent Comprehensive Plan as adopted by council;
- (2) Corrects a health and safety issue;

- (3) Is in the best interest of the general community;
- (4) Promotes or intensifies land development potential.

After making a finding of fact relative to the above-noted consideration, the town council will determine whether to allow the petition to proceed.

(Ord. of 6-17-96)

**Sec. 16-6. Notice to proceed to petitioners.**

(a) After approval by the town council, the petitioners shall be required to prepare final construction plans for all mandated road improvements. Said plans must be submitted to the director of public works. The director of public works shall review said plans and must approve the plans before work is initiated.

(b) Subsequent to the approval of plans by the director of public works, all road improvements must be completed and approved by the director of public works.

(Ord. of 6-17-96)

**Sec. 16-7. Town council acceptance of road for ownership and maintenance.**

After completion of all road improvements, the petitioners must present all maps, deeds, easements, and other mandated documents to the Town Council for acceptance. The town council will accept the road for ownership and maintenance, and all documents are placed on file with the town clerk.

(Ord. of 6-17-96)

**Sec. 16-8. Subdivision streets and related public improvement acceptance.**

The Town Council may accept streets and related public improvements completed under the North Smithfield Land Development and Subdivision Regulations. The term “completed” shall mean approved as complete by the North Smithfield Planning Board.