

ROAD COMMISSIONER ORDINANCE - Town of Acton, Maine
ADOPTED JUNE 18, 2019

Article I: INTRODUCTION

Section 1: Authority

This ordinance is adopted pursuant to the authority granted in 30-A M.R.S.A. §§ 3001 and 3002 and granted in 23 M.R.S.A. §§ 2701-2705.

Section 2: Purpose

The purpose of this ordinance is to clarify the duties and responsibilities of the Road Commissioner for the Town of Acton, Maine.

Section 3: Definitions

A. Emergency – An emergency is defined as any incident or occurrence which could endanger life and/or property.

Article II: GENERAL PROVISIONS

Section 1: Election and Term of Office

The position of the Road Commissioner shall be filled by public election at the annual municipal election. The term of office shall be for a period of three (3) years. This ordinance applies to each Road Commissioner, elected in each district for the Town of Acton.

Section 2: Job Responsibilities

- A. The Road Commissioner will be in charge of repair of all town roads, town ways and town bridges within the Town under the direction of a majority of the Selectmen. (23 M.R.S.A. § 2701)
- B. The Road Commissioner shall be bonded to the satisfaction of the Selectmen and Treasurer. (23 M.R.S.A. § 2701)
- C. The Road Commissioner shall be responsible to the Selectmen for the expenditure of money and the discharge of his or her general duties and shall submit at least monthly statements of expenditures and receive no money from the treasury, except on order of the Selectmen. (23 M.R.S.A. § 2701)
- D. The Road Commissioner has the authority to employ such necessary personnel and equipment and purchase such materials for the repair of town roads, town ways, and bridges. (23 M.R.S.A. § 2701)
- E. The Road Commissioner must plan ahead and discuss all repairs, maintenance and other projects with the Selectmen. This includes developing a line item budget, work schedule detailing the work to be done, a cost estimate for the work, and the location of the work projects. This schedule will be adhered to except in emergency situations such as snowstorms or other unpredictable occurrences. All materials must be purchased in accordance with the Acton Purchasing Policy.
- F. In case of sudden injury to town roads, town ways or bridges, the Road Commissioner must, without delay, repair them. In these emergency cases prior approval from Selectmen is not

required. However, the Road Commissioner must file a detailed report within three business days after the emergency repair is completed.

- G. The Road Commissioner shall inspect all town roads, town ways and town bridges each year and report to the Selectmen and the Road Committee the status of any needing repairs as of November 1st of each year.
- H. When any town road or town way is blocked or encumbered with snow or ice, the Road Commissioner will remove the snow or ice in a manner directed by the Selectmen. (23 M.R.S.A. § 3201) The Road Commissioner will also direct removal of brush and loose obstructions from town roads or town ways that impede travel.
- I. The Road Commissioner shall participate in the budget process for determining appropriations for the coming year. The Road Commissioner shall also submit an Annual Report to be included in the Town Annual Report, no later than September 1st of each year.
- J. The Road Commissioner shall maintain a complete and detailed maintenance log on all Town equipment used for road maintenance and will submit these to the Selectmen for yearly review.
- K. The Road Commissioner shall document, approve and sign all bills and specify to what project or equipment these bills are charged.
- L. The Road Commissioner and all employees of their department, both full and part time, shall maintain and sign weekly time cards for all hours worked for the Town. The Road Commissioner and employees shall work only those hours necessary to maintain town roads, town ways or bridges and the equipment required by these guidelines.
- M. The use of Town vehicles or equipment on statutory private ways (public easements) is prohibited, except in emergency situations. Said emergencies must be authorized in advance by the majority of the Board of Selectmen, or the Fire Chief or a Law Enforcement Officer. The use of Town equipment for private purposes is prohibited.
- N. If a majority of the Selectmen determines that a condition exists which creates a hazard and renders a way unsafe for motor vehicle traffic, the Board will give the Road Commissioner written notice of the condition and order the Road Commissioner to remedy the situation within a 24 hour period. If the Road Commissioner fails to act as directed, a majority of the Selectmen may take steps necessary to eliminate the hazard. (23 M.R.S.A. § 2701)
- O. The Road Commissioner and all employees of their department, both full and part time, shall comply with all provisions of the Acton Personnel Policy and Drug Policy.
- P. The Road Commissioner must maintain public roads. The Road Commissioner must keep Town ways maintained so as to be safe and convenient for motor vehicle travel (23 M.R.S.A. § 3651), including, but not limited to the following:
 - 1. Removal of roadside brush, trees and grass that pose any road safety problem (23 M.R.S.A. §2702); removal of snow and ice in the Town way within a reasonable period of time (23 M.R.S.A. § 3655); this includes removal from state-aid highways (23 M.R.S.A. § 1003); and prevention of damage to private water supplies as a result of construction, reconstruction, or maintenance of public highways (23 M.R.S.A. § 3659).

- Q. If the Town must install drains, ditches, and culverts to maintain the road in a safe and convenient status, the Road Commissioner shall maintain said drains, ditches, and culverts. (23 M.R.S.A. § 3251; 30-A M.R.S.A. § 3401 et seq.)
- R. If the Town installs culverts where private driveways connect to a Town way, pursuant to the grant of the land owner's application for a permit, the Road Commissioner shall maintain said culverts. (23 M.R.S.A. § 705)
- S. The Road Commissioner shall have all other duties and responsibilities under the Maine Revised Statutes Annotated, including, but not limited to, 14 M.R.S.A. § 8104-A; 23 M.R.S.A. §§ 705; 1003; 2701-2705; 3010-3016; 3251; 3351; 3651; 3655; 3659; 30-A M.R.S.A. §§ 3401 et seq.; and 32 M.R.S.A. § 1254, incorporated herein.
- T. If the voting body of the Town of Acton, adopts the "Road Committee Ordinance; dated 05/17/2019" at the June 18, 2019 Election, the Road Commissioners shall be voting members of said Committee and must adhere to the best of their abilities.

Article III: LEGAL STATUS

Section 1: Effective Date

This ordinance shall take effect upon approval by secret ballot on June 18, 2019 and shall supersede any and all previously adopted documents regarding the Road Commissioner. Any additional changes must be presented to the Town Body at an Annual Town Meeting.

Section 2: Severability

In the event any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect.

Section 3: Interpretation

Interpretation of words, phrases or specific provisions of this ordinance shall be the responsibility of the Selectmen.