

Chapter 156

STREETS AND SIDEWALKS

ARTICLE I (Reserved)

§ 156-1. (Reserved)
§ 156-2. (Reserved)

ARTICLE II Temporary Repairs on Private Ways

§ 156-3. Purpose.
§ 156-4. Authority to adopt policies and procedures.
§ 156-5. General requirements.
§ 156-6. Liability for damages.

[HISTORY: Adopted by the Town of Dennis as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Vehicles and traffic — See Ch. 173.

Traffic regulations — See Ch. 228.

ARTICLE I
(Reserved)

§ 156-1. (Reserved)

§ 156-2. (Reserved)

ARTICLE II

Temporary Repairs on Private Ways**[Adopted 6-29-1978 STM, Art. 15; amended in its entirety 5-3-2005 ATM, Art. 31]****§ 156-3. Purpose.**

The purpose of this bylaw is to provide a means by which the Town can provide assistance to abutters of private ways open to the public use for a minimum of five years, wishing to effect road surface and drainage repairs of a temporary nature, in order to extend the service life of these roads.

§ 156-4. Authority to adopt policies and procedures. [Amended 10-3-2020STM by Art. 12]

The Select Board is hereby authorized, after a duly called public hearing, to adopt a policy and procedures for approval of temporary repairs of private roads. Said policy shall include, but not be limited to, the means necessary for the abutters and/or beneficiaries of a private way to petition for the temporary repair of a road, the method by which betterments for the cost of said repairs shall be assessed and a timeline.

§ 156-5. General requirements.

- A. Upon petition of at least 60% of the abutters and/or beneficiaries of a private way open to the public for a minimum of five years, the Select Board, by a majority vote, may declare that the repairs to said private way are required because of public necessity and convenience. **[Amended 10-3-2020STM by Art. 12]**
- B. The Select Board shall assess betterments upon the owners of estates that derive particular benefits or advantage from the making of such repairs on a private way. Said owners of estates shall not be limited to the abutters of the road in question. However, all owners upon whom betterments may be assessed must be included in the percentage calculation indicated in § 156-5A above. Such assessments shall be a sum equal, in the aggregate, to the total cost of all repairs, design work and miscellaneous administrative costs performed under this bylaw, and in the case of each estate, as is to be determined as fair and equitable. Except as otherwise provided, the provisions of M.G.L. c.80 relating to public improvements and assessments therefor shall apply to repairs to private ways ordered to be made under this bylaw. The Board of Assessors of the Town of Dennis shall, with the consent of the owner of the land assessed, apportion assessments for improvements and/or repairs into such number of equal portions, pursuant to the following betterment assessment repayment schedule in accordance with special legislation approved October 9, 1997, under Chapter 117 of the Acts of 1997: **[Amended 10-3-2020STM by Art. 12]**
 - (1) For an amount between \$500 and \$1,500, the period of time shall not exceed three years;
 - (2) For an amount between \$1,501 and \$2,000, the period of time shall not exceed five years;
 - (3) For an amount between \$2,001 or greater, the period of time shall not exceed ten years;
 - (4) For an amount less than \$500, there shall be no apportionment.
- C. Any project or subsequent work pursuant to this bylaw that exceeds \$10,000 in costs, or as otherwise determined by the Select Board, shall be funded by a temporary or permanent borrowing of funds, and costs related thereto shall be part of the overall total project costs. **[Amended 10-3-2020STM by Art. 12]**
- D. This bylaw shall not apply to those private roads that, through signage, gates or other such method,

prevent or prohibit the general public from using or traveling on said roadway.

§ 156-6. Liability for damages.

The Town of Dennis shall not be liable on account of any damages caused by repairs made under this article, and any subsequent work performed by the Town related to the initial work shall be deemed to be a new request and subject to the provisions of this bylaw.