

BY-LAW FOR DEVELOPMENT OF PROPERTY ABUTTING TOWN WAYS

Section 1: Purpose

The purpose of this by-law is to mitigate the cost to the Town of Raynham to repair town ways and their associated drainage and other town maintained utility structures as a result of construction work being performed on private property abutting town ways.

Section 2: Application

- A. Any person who wishes to construct a building (as that term is defined in the Massachusetts State Building Code) on a lot or lots in private ownership abutting a town way shall, before any site or other construction work is commenced, make application to the Town of Raynham Highway Department for a permit for such construction. The permit application form shall be available during regular working hours at the Town of Raynham Highway Department.
- B. The applicant shall submit with the application form a cash bond in the amount of \$2,000 per residential lot and an amount for a commercial development which is determined by the following formula: Number of acres on the property times \$2,000 or \$6,000 which ever is greater, for which a receipt shall be given. The cash bond shall be held in a separate interest bearing account by the Town of Raynham Town Treasurer, subject to withdrawal in accordance with this by-law, until such time as the Raynham Highway Department has authorized the return of the cash bond or any portion thereof.

Section 3: Administration

- A. The applicant shall give written notice, in advance, to the Raynham Highway Department starting the date of commencement of construction work.
- B. The applicant shall give written notice to the Raynham Highway Department of the date of completion of construction work at the site.
- C. In the event the Raynham Highway Department determines that a town way and/or appurtenant drainage or other town maintained utility structures need repair as a result of the construction work regulated in the by-law, the Raynham Highway Department shall notify the applicant in writing of the remedial work to be undertaken. If the applicant has not substantially completed the remedial work requested by the Raynham Highway Department within three days subsequent to the date of written notification, the Raynham Highway Department is authorized to draw upon the cash bond funds to carry out, or authorize others to carry out, the remedial work. In the event of an immediate safety hazard, the Raynham Highway Department is authorized to carry out, or have others carry out, the remedial work without prior written notification to the applicant, and the Raynham Highway

Department is further authorized to draw upon the cash bond funds to pay for the remedial work.

- D. In the event the Highway Department has utilized all or any portion of the cash bond to carry out the specified work in the By-law, the Highway Department shall notify the applicant in writing of the amount of money which has been spent to remediate unsatisfactory conditions in accordance with this By-law; and the applicant shall replenish the cash bond account to its original amount 30 days subsequent to the letter notifying the applicant of the amount of the expenditure. Failure to replenish the cash bond account to its original amount shall be grounds for the Highway Department to confiscate the balance of the cash bond account and /or grounds for the Town to bring a civil action against the applicant to replenish the cash bond account to its original amount.
- E. The applicant may file a written request with the Raynham Highway Department to release the then remaining balance of cash bond funds after the following have occurred:
 - I. Completion of on-site construction
 - II. Stabilization of the soils at the site.
 - III. All damage to town ways and/or their appurtenant drainage or other town maintained utility structures has been repaired.

Upon written approval of the Raynham Highway Department, through the Highway Superintendent or his designee, the remaining balance of cash bond funds shall be returned to the applicant, together with any accrued interest. Payment will be made in the normal disbursement cycle; provided, however, that such disbursement shall take place within 30 days subsequent to the written approval by the Town of Raynham Highway Department to disburse the cash bond funds.

Section 4: Miscellaneous

- A. The invalidity of any section or part of this by-law shall not affect the validity of any other section or part otherwise valid.