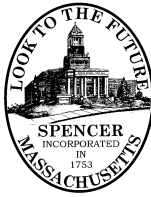


TOWN OF SPENCER



Excerpt from Town General Bylaws Article 6 – Streets and Highways Pertaining to Betterments, Maintenance or Repairs to Private Roads

General Bylaws Article 6, Section 9

Section 9. Temporary Repairs in Private Ways (added 6/18/98 Art.16) (Rev. 10/7/2010 Art. 2, Posted 1/31/2011)

1. The town shall be authorized to make temporary repairs in private ways within the Town of Spencer, subject to the following terms and conditions:
2. Such temporary repairs may include the filling of holes and grading and leveling of surfaces, the oiling or tarring of ways and the covering of said oil or tar with sand or gravel, the paving of the private way and the installation of drainage.
3. No such repair shall be made unless the Board of Selectmen votes that such repairs are required by public safety or necessity.
4. This authority to make temporary repairs to private ways may be exercised by the Board of Selectmen only when the necessary funds therefore are available in the Highway Department budget and only when Highway Department personnel and equipment are not then needed for the care and maintenance of the Town's Public ways; or, there shall be an appropriation of funds therefore at Town Meeting or a cash deposit by owners of the private way of funds sufficient to pay for such repairs. If a Town Meeting makes an appropriation for the repair of a particular private way, the Town shall assess betterments to recover the entire cost of the repairs from all the owners of the private way. The apportionment of said betterment shall not exceed twenty equal annual portions. The Town shall follow M.G.L. Chapter 80 as it further relates to the assessment of betterments.
5. Such repairs may be made only if the owners of at least two thirds (2/3) of the lots abutting the private way petition the Board of Selectmen. Ownership shall be determined by the most recent deeds of record.
6. Such repairs may be made only if the private way is open to the public and has been open to the public for at least the previous ten (10) years.

7. This by-law is enacted only for the purpose of authorizing the expenditure of public funds to make temporary repairs to private ways and no duty or obligation is either hereby placed on the Highway Department or hereby assumed by the Town to thereafter maintain and repair said private ways so that they are reasonably safe and convenient for travel by being free from defects or a want of repair.
8. The making of such temporary repairs to private ways, no matter how often or to what extent, shall not constitute an acceptance by the Town of such private ways as public ways. In any legal action brought against the Town for damages or injury to person or property suffered by reason of a defect or want of repair in a private way which has been so repaired, the Town reserves the right to deny in any such legal action, that the said repaired way is a public way.
9. In the event that a person suffers damages to his person or property by reason of the Town's negligence in making of such temporary repairs, the Town shall not be liable for damages caused by such negligence to any greater extent than if such repairs were done on a public way.
10. with trees, branches, brush, debris should either stockpile and burn via a burn permit when permits are available or hire private haulers. Residents with debris, trash, garbage, plastic or any other material may dispose of those materials via the standard transfer station permit and Town trash bags.