



TOWN OF WAREHAM

54 Marion Road
Wareham, MA 02571

How to Have the Town Perform Temporary Maintenance On a Private Way

1. Have at least 50% of the private road's linear frontage owners sign the attached petition.
2. Drop off the completed petition to the Selectmen's Office.
3. The owners are certified by Town Hall staff.
4. If the petition is certified the Municipal Maintenance Director is notified to review the road and provide a cost estimate to the Board of Selectmen.
5. The Board of Selectmen places the request on the next available agenda and vote to approve or disapprove the request and cost estimate.
6. If approved the petitioners must pay the estimate in full before any work is started.
7. Once paid the Municipal Maintenance Department schedules the work to be done; weather and staff permitting.
8. This process will need to be performed for each request.

*Please provide contact information
for individual responsible for petition.*

tetrahydrocannabinol (as defined in G.L. c. 94C, § 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

This By-law may be enforced through any lawful means in law or in equity including but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c. 40, § 21, or by non-criminal disposition pursuant to G.L. c. 40, § 21D, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer. The fine for violation of this By-law shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this By-law shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L. (Article 42 of April 27, 2009 Annual Town Meeting, Approved by Attorney General on July 20, 2009).

Section 17. No person shall behave himself in a disorderly manner or use any indecent language in any public place.

Section 18. The Town may make temporary repairs on private ways which have been opened to public use. Such repairs shall include the filling of holes in the subsurface of such ways and repairs to the surface materials thereof. Materials for such repairs, where practical, be the same as, or similar to, those used for the existing surfaces of such ways, but may include surfacing the ways with bituminous materials, including but not limited to bituminous concrete.

Drainage as determined by the Director of Municipal Maintenance to be necessary as a result of the repairs may also be done. Said repairs shall be made only if petitioned for by the abutters who own 50 percent of the linear footage of such ways and if the Board of Selectmen declare that they are required by the public necessity and convenience.

The cost of such repairs shall be paid by the abutters by a cash deposit or betterment assessment as hereinafter provided. No repairs shall be commenced unless and until a cash deposit equal in the amount to the estimated cost of such repairs as determined by the Director of Municipal Maintenance to do the work, is paid over to the Town or the Board of Selectmen have made a determination that betterments will be assessed.

If the Board of Selectmen determine that betterments will be assessed they shall make such assessments upon the owners of the estates which derive particular benefit or advantage from the making of such repairs on any such private way a sum equal, in the aggregate, to the total cost thereof, in the case of each such estate, in proportion to the frontage thereof on such way. Except as herein otherwise provided, the provisions of Chapter 80 relating to public improvements and assessments therefore shall apply to repairs to private ways made under the authority of this section.

The Town shall not be liable on account of any damage whatever caused by such repairs and Section 25 of Chapter 84 shall not apply. The Board of Selectmen may require an indemnity agreement executed by the said petitioning abutters indemnifying the Town for all claims and damages which may result from making such repairs.