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ANDOVER TOWN

HIGHWAY ORDINANCE

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ANDOVER TOWN HIGHWAY ORDINANCE

SECTION 1.00

1.01 Enactment:

The Selectmen of the Town of Andover, Vermont, hereby ordain this Andover Town Highway Ordinance adopted pursuant to the authority vested by virtue of Title 24, Section 1972 through 1976 of the Vermont Statutes Annotated.

This ordinance is in furtherance and support of the proper accomplishment of responsibilities and the discharge of authority prescribed by 19 VSA Chapter 7, Laying Out and Discontinuing Highways by Local Authorities.

SECTION 2.00

2.01 GENERAL:

The Selectmen may, at their discretion or upon favorable report of the Planning Commission, modify the requirements contained herein if their strict enforcement would cause undue hardship due to unusual conditions, or that such modification would serve the best interests of the Town of Andover, provided the general objectives of these requirements are satisfied.

Compensation for damages to town highways caused by acts of non-compliance with this highway ordinance shall be assessed against violators by the Selectmen.

2.02 ROAD CLASSIFICATION:

Town roads are classified as Class 1, Class 2, Class 3 or Class 4 highways in accordance with 19 VSA Chapter 17. An official town highway map supplied by the State Agency of Transportation shall be available for inspection in the Andover Town Clerk's Office..

2.03 ROAD RECLASSIFICATION:

The Selectmen shall periodically review the town highway classifications, taking into consideration increasing highway need, changing traffic and changing population patterns, including identification of key roads that link town sections and major highways. Selectmen may also discontinue certain highways, either classifying them as trails while retaining right-of-way or abandoning any claim to a right-of-way.

2.04 HIGHWAY CONSTRUCTION AND MAINTENANCE:

Road and related improvements shall be constructed or installed in accordance with sound engineering practice and this highway ordinance.

The Selectmen may institute and periodically review and update the town methods of preventative maintenance and road improvements. Town road considerations may include but are not limited to evaluation of scenic areas and places of local interest, signs, bridges, recent and historical land use, the Town Plan, traffic and pedestrian safety, and roadway conditions.

2.05 CLASS 4 ROADS AND TRAILS:

Class 4 roads and trails are defined as specified in Title 19, Chapter 3 and as shown on the official State supplied Town Highway map of Town of Andover, Vermont.

Existing Class 4 highway right-of-ways, as of the date of the adoption of this ordinance, shall be retained by the Town, but the Town shall not provide any maintenance or upkeep on such Class 4 highways. The Andover Board of Selectmen may after the evaluation of any Class 4 highway condition require the placement of a barricade to impede public access. Any public travel (vehicular or otherwise) on such Class 4 highways is at the traveler's own risk. Class 4 roads and trails may be downgraded to trail status, discontinued, or upgraded to Class 3, only upon findings by the Andover Board of Selectmen that the public interest will be substantially advanced by such change in status.

Class 4 highways and trails proposed for upgrading to Class 3 status shall be subject to the prior approval of the Board of Selectmen and the Andover Town Planning Commission with all upgrading costs borne by the applicant. Approval shall be subject to all of the provisions of this ordinance as for laying out, application, construction, inspection, warranty, design standards, and other applicable standards for new highways.

New structures on lots fronting a Class 4 highway are subject to the requirements of the Town Zoning Ordinance.

Snow plowing or any maintenance performed on Class 4 roads or trails by private parties shall not damage rights-of-way and shall be at the private parties own risk.

Requirements for temporary permits for logging or heavy equipment access may be imposed with stipulations that any damage will be repaired by or at the expense of the user; posting of bond or other security to guarantee that repairs are made may be required as a condition of any permits.

2.06 RIGHT-OF-WAY ACCESS:

Prior approval by the Selectmen is required for access into the road right-of-way for the installation or repair of utilities and by the Road Commissioner for driveway, entrance and approach access.

Notwithstanding the above, nothing herein shall be deemed to negate or repeal the effect of any Andover Town Ordinance requirement that would necessitate a permit for working in or adjacent to a town highway right-of-way.

2.07 OVERWEIGHT VEHICLES:

Pursuant to 23 VSA, Chapter 13, Subchapter 15, vehicular use of Town highways and bridges is subject to limitation and regulation regarding gross vehicle weights, tire and axle weights, and overall length and width.

Written approval of the Board of Selectmen, or the Andover Road Commissioner, may be granted for use to travel over Town highways and bridges in excess of legal weight, size, or length limitations, issued pursuant to 23 VSA, Section 1400(a). Notwithstanding any written agreements entered into by and between the Selectmen or Road Commissioner and the applicant, the applicant is responsible for the cost of wear and tear on highways anticipated or caused by use of highways in excess of the legal weight and size limitations.

2.08 POSTING:

No town road of any class may be intentionally closed by a gate or other obstruction nor may any road sign be posted (Private Road, etc.) on the town right-of-way except upon the approval of the Board of Selectmen. Selectmen may post a road in accordance with 19 VSA, Section 1110.

2.09 COMPLIANCE WITH OTHER REGULATIONS:

This ordinance is written to establish and/or clarify standards of construction, authorities of the Selectmen and Road Commissioner, and to provide a clarification of the role of the Andover Planning Commission in highway development matters.

All other ordinances and regulations adopted by the Town of Andover shall remain in full force and effect.

2.10 COMPENSATION FOR DAMAGES:

The registered owner of any vehicle operating in the Town of Andover shall be responsible for any and all damages caused by such vehicle to Town Highways, bridges, culverts and related public facilities.

This section shall not apply to customary wear and tear not caused by a discrete and identifiable incident, action, or cause except as provided in Section 2.07 of this ordinance.

SECTION 3.00 - ROAD ACCEPTANCE POLICY

3.01 GENERAL:

It is the policy of the Board of Selectmen of the Town of Andover to entertain application for the acceptance of public highways and roadways and to adopt and adhere to an orderly procedure for the receipt of and acting upon such applications. The decision on an application for acceptance of a highway is reserved to the sole and absolute discretion of the Board of Selectmen who will consider the grant or denial of an application on the basis of the best interests of the inhabitants of the Town.

An applicant shall secure all other necessary governmental permits for a land subdivision or for road construction as a condition requisite to the acceptance of a highway.

All questions arising during the road construction relative to construction methods, materials, or specifications shall be answered by reference to this ordinance and to the Vermont Standard Specifications for Construction, 1986, or any amendment, supplement or revision thereto.

The Board of Selectmen shall have final decision-making authority over all questions arising during construction of new roads and all field changes must receive prior approval by the Board of Selectmen or the Andover Road Commissioner.

3.02 APPLICATION, PLANS AND PLATS:

All plans, proposals and plats for new roads or major changes in the location, alignment, or changes in the classification of a roadway shall be submitted to the Andover Town Planning Commission for review and comment. The proposal should be consistent with the Andover Town Plan and Zoning Regulations.

No construction of roadways or improvements of town roads or proposed roads shall be started without express written notification to the Board of Selectmen, at least 30 days prior to commencement of construction.

No approval shall be granted by the Board of Selectmen until all other required Town and State permits and approvals have been obtained.

A written application for the acceptance of a highway shall be submitted to the Town at least four (4) weeks prior to the commencement of road construction. The application shall be accompanied by

a survey in a form acceptable by the Selectmen for accuracy, thoroughness and legibility and an executed warranty deed of the land to be conveyed for highway purposes, to be accepted and recorded only upon acceptance of the highway. The survey must show the grade line and minimum radii of all curves.

Applicant may, in initial application, propose a name for the road, subject to the decision of the Planning Commission. Road numbers shall be assigned by the State Agency of Transportation after formal acceptance by the Town.

3.03 SIGNS, MARKERS, AND MONUMENTS:

The applicant shall erect all signs and markers at his/her expense in accordance with the approved plans. Standards for sign and marker design, installation, and location, shall be governed by the U.S. Department of Transportation Federal Highway Administration's Manual on Uniform Traffic Control Devices, as amended (MUTCD).

All monuments shall be as required by the Andover Zoning Ordinance. Where feasible, monuments shall be "tied" by survey to other objects of a permanent nature, and the "ties" shall be shown on the plat map. The map shall show approximate location of any property line within 200 feet of the proposed right-of-way.

3.04 (RESERVED)

3.05 PERFORMANCE AND SURETIES:

As a condition for approval of an application for roadway construction or acceptance, the Board of Selectmen may require a Performance Bond or Surety Agreement for the benefit of the Town to cover the cost of the roadway completion, performance and/or restoration.

At a minimum, the Board of Selectmen shall require that a Performance Bond or Surety Agreement for the benefit of the Town be secured in an amount sufficient to provide for erosion control, repair of existing town highways, and damages in the event the applicant fails to complete the improvements within the period specified by the Planning Commission.

The Board of Selectmen may require a Performance Bond or Surety Agreement or other acceptable measure of security for the benefit of the Town in an amount sufficient to cover the cost of all improvements necessary to meet the standards of this ordinance for acceptance as a Class 3 Town Highway.

In the event of the failure of an applicant to construct any improvements covered by the bond, surety or security agreement, such bond shall be forfeited to the Town of Andover in its full face amount.

The Board of Selectmen, upon receipt of such proceeds, may complete only such improvements as they deem necessary to prevent erosion, repair existing Town highways, and to prevent damages to adjoining properties, and thereafter declare the roadway project abandoned prior to completion.

In lieu thereof, the Board of Selectmen, after consulting with the Planning Commission, may determine that the best interests of the public health, safety and welfare are served by the completion of the proposed highway and related improvements. In which case, the Selectmen shall cause the proposed roadway and related improvements to be completed and shall proceed to dedicate a public highway and issue a Certificate of Completion in accordance with Title 19, VSA Chapter 5.

All unused proceeds of the bond, surety or security agreement, after deducting such sums as are necessary for completion or aband-

onment, including legal fees and collection charges, shall be returned to the bonding or surety company, or as otherwise provided by the Security Agreement.

Roadways may be granted provisional acceptance pursuant to Section 3.08 of this ordinance. Performance bonds, sureties, or security agreements established under this section shall continue for a period of one year beyond the date of provisional acceptance or until final acceptance is granted, whichever is less.

3.06 INSPECTION (Refer to Section 4.00 - Minimum Standards):

All highway designs, including cut and fill plans, gravel pit plans, surveys, layouts, right-of-way, utility locations, road construction site, preparation and construction, shall be inspected by the Andover Road Commissioner.

The Road Commissioner or his representative shall inspect the road site as follows:

- (1) Before clearing,
- (2) After grading,
- (3) After graveling
- (4) Final Inspection

The applicant shall keep the Road Commissioner informed of the construction process so that the inspections listed above can be performed in a timely manner.

The applicant shall have stakes set on the centerline with finish grades marked on them every 100 feet for the entire length of the roadway with distances and grades marked before each inspection.

Before final inspection the applicant shall remove all trash from the right-of-way and the turnaround (if applicable) and shall repair any damage done to the roadway, shoulders, drainage structures and related road items. All slopes shall be seeded and mulched.

Inspections, samples and core tests may be required by the Road Commissioner before final acceptance with all costs borne by the applicant.

All materials may require sampling during construction, costs to be borne by the applicant, with results to comply with the Vermont Agency of Transportation Standard Specifications for Construction, 1986, as revised.

3.07 COMPLETION DEADLINE:

No roadways will be inspected or accepted between October 15th and May 1st.

Roadways approved for construction or improvement under Section 3.02 must be completed, inspected, and ready for provisional acceptance (Section 3.05) within the period of time specified by the Planning Commission.

Road specifications in effect at the time of initial approval will be applicable for the period of time specified by the Planning Commission after which time any new road specifications will apply. The only exception will be if the road under question at the end of the specified period is under the 12 month maintenance warranty period.

3.08 ACCEPTANCE AND WARRANTY PERIOD:

Any highway or improvement proposed for acceptance as an official Town highway shall be inspected by the Selectmen or the Road

Commissioner upon completion. If it is determined that all applicable conditions and standard specifications for construction have been met, and that the public good will be advanced, the Town may grant provisional acceptance of the highway.

Provisional acceptance shall constitute full and official acceptance of a Town highway or improvement thereto except that appropriate performance bonds, sureties, or security agreements shall remain in force and effect for a period of one year. During such one year warranty periods, the applicant shall be responsible for the satisfactory performance of materials, workmanship, and construction related to such highway.

Upon successful completion of the one year warranty period, all performance bonds, sureties, or security agreements shall be released.

In the event that the roadway or improvements thereto fail to perform satisfactorily and the applicant fails or neglects to correct all deficiencies during the one-year warranty period, proceeds of any bond, surety, or security agreement shall default to the Town in accordance with Section 3.05 of this ordinance.

3.09 CONVEYANCE:

All rights-of-way, slope rights, and drainage easements shall be conveyed to the Town of Andover by warranty deed and free of all encumbrances. Deeds shall include an accurate survey description of the subject land or rights in land and shall be based upon the as-built survey which shall accompany such deed.

3.10 DEFECTS IN DESIGN, MATERIALS, PERFORMANCE

In the event of a dispute between the Town and the applicant as to the construction practices, materials used, interpretation or defects

in the design, or the satisfactory performance of materials or workmanship, the Road Commissioner shall have the authority, to suspend construction or to reject materials until such dispute can be resolved. The Road Commissioner is not authorized to revoke, alter, enlarge, relax, or release any requirements or performance goals except by mutual consent of the applicant and the Board of Selectmen.

Unresolved disputes between the Road Commissioner and the applicant shall be referred to the Board of Selectmen as soon as possible. The Board of Selectmen shall act as referee and may make such findings and decisions as they determine are in the best interests of the Town as such implement the objectives of this ordinance.

SECTION 4.00 - MINIMUM STANDARDS

Roads vary in their functional use. The standards by which a road is constructed are important to its proper functioning. As the quantity and nature of traffic on a road changes, so must the standards of construction change. Consequently, the standards which follow are considered minimum standards and are subject to modification by the Selectmen when deemed necessary. The standards defined in this section do not apply to roads in existence as of the date of this ordinance as depicted on the Andover Town Highway Map supplied by the State Agency of Transportation in effect as of the approval date of this ordinance.

Any request for waiver of any portion of these standards shall be addressed to the Board of Selectmen in writing.

Unless otherwise specified by the Road Commissioner or established by specific standard, ordinance, by-law, or regulation by the Town of Andover, all road construction standards, practices, specifications and conditions shall be in accordance with the State of Vermont, Agency of Transportation, Standard Specifications for Construction, (1986 Edition, as amended); Division 100, Section 101,

107; Division 200; Division 300; Division 400; Division 600; and Division 700.

Whenever there is a conflict, or confusion between the above referenced specifications and the requirements of this ordinance, this ordinance shall take precedence.

Whenever there is doubt, conflict, or confusion as to the intent, meaning, or applicability of any local ordinance, by-law, or regulation or the above referenced Standard Specifications for Construction, the Andover Board of Selectmen shall rule on the intent, meaning, and/or applicability of such ordinance, by-law, regulation, or standard.

4.01 RIGHT-OF-WAY WIDTH

The right-of-way shall be a minimum of 50 feet in width. The center line of the road is to be located in the center of the right-of-way. The right-of-way conveyed shall intersect at least one existing Class 1, 2, 3 or State Highway.

4.02 TRAVELLED WAY WIDTH

The minimum travelled way width of a road shall be 22 feet not including shoulders.

4.03 CLEARING

Right-of-way is to be cleared of trees, brush and stumps a minimum of 20 feet from its center line. Burning of clearing debris shall be accomplished in accordance with all State and Town Fire regulations. No fallen trees shall remain on the right-of-way. All stumps shall be removed, so that the base of the road is on hardpan, gravel, ledge or properly compacted fill.

4.04 SUBGRADE

Ledge and boulders shall be removed to at least 18" below subgrade and replaced with sand or bankrun gravel. 100% of gravel must pass through a 4" sieve.

All loam, muck, stumps and other improper foundation material shall be removed from within the limits of the fully-extended road shoulders. In embankment areas, suitable foundation material shall be placed in one foot layers and compacted to form a suitable subgrade.

The subgrade surface shall conform exactly in cross section and grade to the finished road surface. Crowning and banking of curves shall be as required by the Town Road Commissioner. Compaction is required on any portion of the subgrade which has been disturbed by excavation or which has been filled during the construction of the subgrade. All ditches and drains will be constructed so that they effectively drain the subgrade prior to the placement of any base material. Six (6) inches of sand cushion shall be placed over all subgrades. Fabric matting, as approved by the Town Road Commissioner, will be required in areas of poor drainage as determined by the Road Commissioner.

4.05 WET AREAS

If the proposed road is in a wet area, the Road Commissioner may require additional gravel plus sand cushion and underdrain to insure a stable road.

4.06 SUBBASE

The subbase shall be composed of 18 inches of compacted gravel installed in to 9 inch lifts with maximum stone size of 4 inches conforming to the Vermont Standard Specifications for

Construction, 1986, 704.04A - Gravel For Subbase. The cross section and grade of the subbase shall conform to those of the finished surface.

4.06 UPPER BASE

All roads shall receive a 6 inch upper base course of compacted crushed gravel as defined by the Vermont Standard specifications for Construction, 1986, 704.05A - Fine Crushed Gravel for Subbase, or current revision.

4.08 SHOULDERS

Shoulders shall be a minimum of three (3) feet in width on a side and shall be constructed to the same specifications as the subgrade, subbase and base.

4.09 CROWN

The road shall have a cross slope from the centerline to the edge of the shoulder of 1/4 inch per foot and from the edge of road to edge of shoulder of 5/8 inch per foot.

4.10 DITCHES, CULVERTS AND HEADERS

Drainage Ditches - Drainage ditches shall be provided where necessary and shall be constructed to prevent infiltration of water into the gravel subbase and to conduct storm drainage to waterways and adsorption areas. Accordingly, drainage ditches adjacent to roads are normally to be at least six (6) inches below the gravel subbase or eighteen (18) inches below finished grade to minimize Spring break-up conditions.

Ditches shall be shaped to prevent excessive erosion on both shoulder and right-of-way or bank sides of the ditch cross section.

Open drainage ditches in excess of 5% grade shall be lined with Type I (Spec. 706.04 12" stone), four (4) inch minus stone may be substituted if approved by the Andover Road Commissioner.

Underdrain will be required where soil and water conditions make it necessary.

Culverts - Culverts shall be installed during the construction of the road and prior to subbase and surface preparation and placement. Backfill in excavations for culverts shall be compacted to prevent or minimize settling in surface, shoulders or slopes. Culverts should be covered with a minimum of 36 inches of material.

Culverts shall be installed in all low spots and be of sufficient size to handle the anticipated run-off but shall be not less than fifteen (15) inches in diameter and shall extend at least one (1) foot beyond all fill, measured at the bottom of the culvert.

Culverts shall be spaced no greater than 300 feet apart in one ditch line.

Headers shall be install at the inlets of all culverts and may be either reinforced concrete eight (8) inches thick, large flat rock tightly placed, large cemented rock, or Type I riprap.

4.11 SLOPES AND BANKS

Vertical or sharp cut faces, excepting ledge, shall not be permitted. Slopes and banks shall not be steeper than 1 vertical

to 1 1/2 horizontal. Soil stability of banks shall be a design consideration. Slopes or banks shall be designed and constructed to prevent instability, slides, washes, or other disturbances to the slope or bank surface or subsurface. Banks shall not interfere with snow removal. After construction and final grading of banks, banks will be seeded and mulched to minimize surface erosion. Cribbing or riprap shall be provided where necessary.

Maximum Allowable Slopes:

Gravel, hardpan	-	1 - 1 1/2 maximum
Sands, silts, loam	-	1 to 2 maximum
Clays	-	1 to 3 maximum

4.12 GUARD RAILS

Approved types of guard rails and posts will be provided to meet essential traffic control and safety needs, and shall not interfere with snow removal. Use of and location of guardrails shall be determined by the Road Commissioner and approved by the Board of Selectmen.

4.13 GRADES

Road grades shall be at least .5 percent but not more than 12%. Finished grades (transverse and longitudinal) shall be smoothed to eliminate sharp dips in traveled surface and, as may be necessary, to permit efficient snow removal and proper drainage.

The minimum grade within 50 feet of an intersection shall be 4%.

4.14 CURVES

Radius of curves shall be long enough to permit easy flow of

traffic, including trucks, graders, and fire engines, with at least a 100 foot radius in all cases, measured on the center line. Trees and boulders shall be removed to permit adequate sight on all curves.

4.15 DRIVEWAYS, ENTRANCES AND APPROACHES

Before construction of a driveway or regularly travelled accessway, the property owner must obtain a driveway permit from the Town Road Commissioner. Driveways cannot interrupt the natural or ditch line flow of drainage water. In some cases where shallow ditch lines or natural drainage courses exist, driveways may be swaled at a point beyond the road shoulder to accommodate the flow of storm water. In all other cases, driveways must have sufficiently sized culverts installed and forever maintained by the property owner.

In no case shall the culvert pipe under the driveway be less than a 15 inch diameter pipe.

Adequate all-season safe sight distance in each direction must be present for a driveway permit to be issued.

Driveways shall intersect the roadway at a preferred angle of 90 degrees, but in no case shall the intersecting angle be less than 50 degrees.

Under no circumstances shall a driveway permit allow construction which will result in drainage or washing directly onto a town road right-of-way.

In the event a driveway causes damage to a town road through improper construction, maintenance, or grading, it shall be the responsibility of the property owner to make necessary repairs upon notification in writing by the Town. In the event such repairs as are required are not made, the Town shall take whatever steps are

necessary to repair and restore the roadway in accordance with the interests of the Town and shall bill the property owner for any expenses involved. The property owner shall be liable for said expenses.

4.16 INTERSECTIONS

Intersections shall be as nearly as possible at right angles (90 degrees) with the minimum allowable intersection angle of 60 degrees.

The centerline of no more than two accepted rights-of-way shall intersect at any one point.

Any intersection of two roads with a third road shall be separated by a distance of not less than 150 feet between center lines.

4.17 DEADEND ROADS

Deadend roads must have a turnaround area at the end of not less than a 50 foot radius constructed to the same standards as the road bed. Provisions shall be made at the perimeter of the turnaround for snow removal.

4.18 ROADSIDES

At completion of the project, all debris not covered shall be removed from the right-of-way.

All disturbed portions of the roadsides shall be loamed, seeded, and mulched in accordance with the "Vermont Handbook for Soil Erosion and Sediment Control on Construction Sites" 1982 or latest revision.

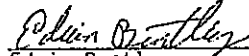
4.19 BRIDGES

Plans for bridges shall be submitted for review prior to construction. Construction will be authorized only after a review by the State Agency of Transportation indicates that the bridge will meet all applicable Vermont Agency of Transportation specifications.

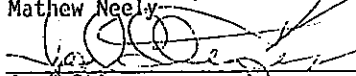
ANDOVER, VERMONT BOARD OF SELECTMEN HEREBY APPROVE THIS HIGHWAY ORDINANCE.

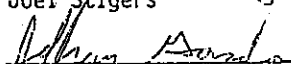
Dated at Andover, Vermont this 24th day of May, 1993 A.D.

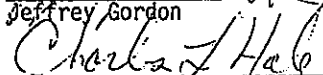
Andover Board of Selectmen


Edwin Bentley


Mathew Neely


Joel Stigers


Jeffrey Gordon


Charles L. Hale