

STREET OPENING ORDINANCE

PURPOSE: It is the purpose of this Ordinance to ensure that cuts made in Town roadways for purposes of sewer and water hookups are done in a manner which will not adversely impact the roadways, nor pose a safety threat to pedestrians or vehicular traffic during the course of the work.

PERMITS REQUIRED: A Street Opening permit shall be required for any excavation, by hand or machinery, within the public right-of-way on which the Town performs any highway maintenance operations. At all times during the excavation, the signed permit shall be immediately available for inspection by Town employees, or their agents.

APPLICATION: Written application shall be required before any excavation of roadway may begin. Application will state name and address of applicant/permittee, location, nature and purpose of work, date of commencement and date of completion, signatures of utility approval and of the Road Commissioner or his designate. The Utility and the Town shall have no less than three (3) working days to review the application and to render a decision to issue or refuse to issue a Street Opening Permit.

An applicant may appeal a denial of the Road Commissioner or his designate, in writing, to the Town Manager within 10 days of the denial. The decision of the Town Manager shall be deemed final.

DURATION: A Street Opening Permit is valid for 60 days from the date of issuance. Thereafter, it is considered void and subject to new charges and re-issuance. The permit is valid for the duration of the project.

INSURANCE/LIABILITY: It is the responsibility of the applicant to ensure that adequate liability insurance is possessed, prior to beginning excavation and throughout the duration of the excavation. Said liability insurance shall be issued without Underground Explosion or Collapse exclusions, and shall cover the Town from any and all claims for damages or injuries and shall name the Town as an additional insured in the amount of \$300,000.

CLEARANCE FOR STRUCTURES: The excavation work shall be done in such a manner so as not to interfere with access to the fire station, fire hydrants, fire escapes, water gates, valve housing structures, traffic signal cables or other like equipment and appurtenances.

TRAFFIC ROUTING: Applicant/permittee shall ensure that at all times during excavation, appropriate traffic control devices (TCD), in accordance with the Manual on Uniform Traffic Control Devices, are in effect. If the permittee is found not to have adequate TCD, the Town reserves the right to immediately suspend work until the deficiencies are corrected.

Permittee shall contact Mechanic Falls Dispatcher at any time street traffic will be routed, detoured, or otherwise affected by traffic control devices.

The Town may require special police protection or approved security, furnished at the permittee's expense, at any location which interferes with school crossing or pedestrian traffic.

PROTECTIVE MEASURES: The permittee shall erect such fence, railing or barricades about the site of excavation as needed to prevent danger to persons using the streets or sidewalks. Said protective barriers shall be maintained at all times, until the work is complete or the danger fully removed.

RELOCATION/PROTECTION OF UTILITIES: The permittee shall not interfere with any existing facility without the written consent of the Road Commissioner or his designate and the facility's owner. If it becomes necessary to relocate a facility, it shall be done at the exclusive expense of the permittee. At all times, during the relocation, the permittee shall be obligated to support and protect by timbers or otherwise all pipes, conduits, poles, wires or other apparatus which may be affected by the excavation work. Any facilities damaged by the work of the permittee shall be promptly repaired at the expense of the permittee and with the approval of the affected utility department.

PROTECTION OF PUBLIC/PRIVATE PROPERTY: The permittee shall at all times preserve and protect from injury any adjoining public or private property. The permittee shall obtain written permission before entering upon any private land, and shall take such steps as may be necessary to protect and preserve all sod, fences, walls, and buildings at the permittee's own expense. All curbing, sidewalks and catchbasins shall be protected and preserved at the permittee's expense. Replacement or re-alignment of said public property shall be required to be affected within sixty (60) days of completion of work under the direction of the Road Commissioner or his designate.

BREAKING THROUGH PAVEMENT: All excavations on paved streets and walkways shall be cut, not ripped, in a neat, straight line with pavement breakers or saws. Heavy duty pavement breakers may be prohibited when the use thereof may threaten existing substructures or other property.

Final cutouts of the trench line must be normal or parallel to the trench line. Pavement shall be removed at least six inches back beyond the outer limits of the subgrade. Pavement edges shall be trimmed to a vertical faced and neatly aligned with the centerline of the trench to allow for proper compaction within the entire trench area.

TRENCHES: No opening or excavation in any arterial or collector street shall extend beyond the centerline of the street before being backfilled and the street temporarily restored. No opening or excavation shall extend more than 200' longitudinally in any street at any time for pavement removal, excavation, construction, backfilling patching or any other operation without express written permission of the Road Commissioner or his designate. All material excavated from trenches shall be maintained in such a manner so as not to endanger those working in the trench, pedestrians or users of the streets. Where the confines of the street are too narrow, the Road Commissioner or his designate may require the permittee to haul fill to a remote site for storage.

TUNNELLING/BORING: No tunnelling or boring shall be permitted without express written permission of the Road Commissioner or his designate.

PROTECTION OF WATER COURSES: The permittee shall provide for the flow of all water courses, sewers and drains intercepted during excavation and shall replace same in good condition. The permittee shall not obstruct the gutter, culvert or swale of any street, but shall use all proper measures to ensure free passage of surface water.

SURFACE RESTORATION OF STREETS AND SIDEWALKS: The permittee shall restore the surface of all streets broken into or damaged as a result of the excavation work, to its original condition in accordance with the specifications of the Road Commissioner or his designate. All such restoration is to be done at the sole expense of the permittee. The permittee shall make notification to the Road Commissioner or his designate no less 4 hours in advance of final restoration.

In the event that temporary pavement needs to be used, a minimum of 1.5" of cold mix, compacted and graded to existing pavement grade will be used.

Where the adjacent street material is emulsified asphalt or penetration type pavement, final resurfacing shall be done with an approved bituminous cold mix and shall be compacted with approved equipment and shall be no less than 2 1/2 " in depth, compacted and shall match the grade of the adjacent paved area.

Where the adjacent street material is a hot bituminous product, a base of 2" of B-Mix and 1" of C-Mix, compacted and at the appropriate grade shall be required. Alternatively 3" of Modified B Mix may be used. All such final resurfacing shall require compacting so that it is hard enough and smooth enough to be safe for pedestrian and vehicular traffic.

The permittee shall notify the Road Commissioner or his designate when the work is complete, and if everything is satisfactory, a certificate of completion will be completed and dated. For one (1) year thereafter the permittee is responsible and full liable for defects in material and workmanship relating to such resurfacing and shall promptly repair said area upon notice of the Road Commissioner or his designate.

REPAIRING/BACKFILLING BY TOWN: If for any reasons, the permittee fails to make skillful or proper repairs upon proper notification of the Road Commissioner or his designate, the Town may make said repairs and keeping an accurate account of all expenses of labor, material and equipment, shall charge back to the permittee 150% of those costs. Payment is due within 30 days, or subject to 18% interest per annum.

COMPLETION OF WORK: After excavation has commenced, permittee shall proceed with diligence all excavation work covered by the Street Opening permit and shall promptly restore the street as specified in this ordinance. The permittee shall perform such restoration so as not to obstruct, impede or create a safety hazard to pedestrian and vehicular traffic.

URGENT/EMERGENCY WORK: If the safety or convenience of the travelling public or the public interest require, the Road Commissioner or his designate may require that work be performed only during certain hours, or on a round-the-clock basis, or impose such other conditions upon the performance of the work as he may deem necessary. These conditions shall be part of the written permit.

Where an emergency situation exists, such as a burst pipe, and may immediately endanger life, health or safety of any person, street excavation may proceed without benefit of a Street Opening Permit, and shall take whatever actions may be deemed necessary to protect life, health and safety. The owner of said emergency facility situation shall apply for a Street Opening Permit not later than the end of the next proceeding work day, and shall not proceed with the permanent repairs until such permit has been obtained.

NOISE/DUST/DEBRIS: Each permittee shall conduct the excavation work in such a manner so as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring properties. The permittee shall take steps to minimize dust, noise and unsightly debris, and during the hours of 8 p.m. to 7 a.m., shall not use, except in emergency situations otherwise discussed in this ordinance, any tool, appliance or equipment producing noise of significant volume to disturb the sleep of occupants of the neighboring properties.

BLASTING: No blasting shall be allowed after the hour of 3 pm or before 7 am, on Saturdays, Sundays or holidays without written permission of the utility. All blasting requires advance notification of all utility owners (water, sewer, CMP, etc.) within 500' of the blasting area as well as the Mechanic Falls Dispatcher.

WINTER EXCAVATION: No person or utility shall be permitted to excavate or open any street or sidewalk from November 15th to April 15th of the following year, unless an emergency situation exists. Persons wishing a variance from this provision may do so in writing to the Road Commissioner or his designate and

shall explain the hazardous conditions which exist that could endanger property, life, health or safety of individuals.

EXCAVATION OF RECONSTRUCTED STREETS: No permit shall be granted to open a street for a period of five (5) years after a street has been reconstructed or paved. Persons wishing a variance from this provision may do so in writing to the Road Commissioner or his designate and shall explain the hazardous conditions which exist that could endanger property, life, health or safety of individuals.

INSPECTIONS: The Road Commissioner or his designate may make such inspections as are reasonably necessary in the enforcement of this article. The Road Commissioner or his designate shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce the provisions of this ordinance.

DRAWINGS: A drawing of the work that was performed shall be required to be delivered to the appropriate utility within 60 days of completed excavation work. Drawing will indicate where work was done, materials and sizes used, and at what depth and grades the work took place.

CHARGES: The following charges are hereby established as being reasonable costs of inspection and monitoring of street and sidewalk openings under this ordinance:

BILLING PROCEDURES: Upon application for a permit, applicant will reasonably estimate the size of the street opening in square feet. A fee based upon that number of square feet multiplied by the rates as set forth herein shall be applied to determine the fee.

Upon completion of the excavation work, a measurement shall be made by the Town of the size of the opening and a bill will be mailed to the permittee for the balance due (if any). If total actual square footage is less than the original estimated size, the Town will rebate any difference due to the permittee. Bills issued in accordance with this ordinance shall be due and payable within 30 days thereof, and subject to 18% per annum late charges.

Street Opening Charges (\$5.00 minimum, \$350 maximum)

- a. Newly Constructed, Reconstructed or Repaved Streets \$2.50/s.f.
- b. Paved Streets \$2.00/s.f.
- c. Gravel Streets/Shoulders \$1.00/s.f.
- d. Streets Scheduled for Reconstruction w/i 60 days \$5.00 total

Sidewalk Openings

- a. Concrete \$1.50 s.f.
- b. Brick \$1.50 s.f.
- c. Bituminous Curbing \$1.00 s.f.
- d. Gravel \$0.75 s.f.
- Private Property No Charge

PENALTIES: The Following penalties are established for failure to abide by various portions of this Ordinance. All penalties must be paid at the Town Office, and all conditions corrected before work can resume.

PENALTIES (Continued)

a. Failure to Obtain a Street Opening Permit	\$100.00
b. Failure to Obtain a Street Opening Permit W/I One Work Day After an Emergency Situation	\$100.00
c. Failure to Take Protective Measures	\$ 25.00
d. Failure to Provide Adequate Traffic Control Devices	\$ 25.00
e. Failure to Protect Water Courses	\$ 25.00
f. Failure to Control Dust/Noise/Debris/Blasting	\$ 25.00
g. Failure to Provide Drawings W/I 60 days	\$ 25.00
h. Failure to Adequately Maintain Location	150% of Town Cost
i. Failure to Pay Balance of Bill	18%/annum

