

Adopted Changes to the Municipal Code Regarding Street Standards
Chapter 14 – Article IV – Excavation
Adopted by Town Council on March 2, 2020

Effective April 1, 2020

Chapter 14

ARTICLE IV. - EXCAVATION^[2]

Footnotes:

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Cross reference— Buildings and building regulations, Ch. 5; utilities, Ch. 16.

State Law reference— Excavations, 23 M.R.S.A. § 3351 et seq.

Sec. 14-71. - Permit required.

Any person desiring to make an excavation in any public way shall first obtain an excavation permit from the town engineer. All such excavations are governed by 23 M.R.S.A. § 3351 et seq. and this article.

(Ord. of 8-5-85, § 1)

Sec. 14-72. - Time of issue restricted.

Except in an emergency as determined by the town engineer, no street or sidewalk opening shall be permitted between November 1 and March 15 of the following year. If approved the applicant will be required to place a temporary course of Hot Mix Pavement within the trench. The temporary pavement will be removed and replaced as required by this section by July 1. The applicant will be responsible for any maintenance related to the trench.

(Ord. of 8-5-85, § 2; Ord. of 5-18-15(2))

Sec. 14-73. - Fee schedule.

An application fee shall be paid for the issuance of an excavation permit in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances. If the excavation work is approved by the town engineer to take place between November 1 and March 15 of the following year, or the excavation work is approved to take place within the five-year moratorium period from when the street was most recently resurfaced, the application fee will be charged in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances. A separate application is required for each utility excavation. Where the excavation work obstructs the public way a separate Obstruction Permit as detailed in this chapter, section 14-82, is required before the start of any work relating to this excavation permit. In addition to the application fee, an inspection fee per application is required in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances. Where the excavation permit involves a utility line replacement or installation in excess of fifty (50) feet then the inspection fee is computed per foot for open cut trench work or for directional drilling, times the estimated utility line length as determined by the town engineer. Charges in accordance with the Master Schedule of

Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances, are established as being not in excess of the reasonable cost of replacement of the openings in the public way by the engineering department, and must be paid by the permittee if the town engineer determines the restoration of the excavation is to be done by public works crews.

(Ord. of 8-5-85, § 3; Ord. of 5-18-15(2); Ord. of 11-16-2015(3))

Sec. 14-74. - Minimum charge.

There is a minimum charge equivalent to three (3) square yards for any opening, to be assessed at the appropriate unit rate above. For curbing, the charge is assessed for what is actually destroyed or damaged.

(Ord. of 8-5-85, § 4)

Sec. 14-75. - Measurement of openings.

Where two (2) or more street openings are made in sequence, and adjacent openings are fifteen (15) feet or less from center to center, the responsible party shall be charged for one (1) opening measured from the leading edge of the first opening to the trailing edge of the last opening.

(Ord. of 8-5-85, § 5)

Sec. 14-76. - Private contractor.

The town manager may require a performance bond for any work to be completed within the public way. All work must be performed in a good, workmanlike manner according to town specifications which reflect proper construction methods and materials. It is subject to inspection and approval by the town engineer.

(Ord. of 8-5-85, § 6)

Sec. 14-77. - Removal of bituminous concrete.

When bituminous concrete overlaying portland cement is removed, it must be replaced to grade upon completion of the work unless previously approved by the town engineer.

(Ord. of 8-5-85, § 7)

Sec. 14-78. - Excavation of cement surface.

When an opening is made in a street where the surface is portland cement concrete, the concrete must be cut back at least twelve (12) inches beyond the edges of the trench before the new concrete patch is replaced. Sufficient reinforcing must be furnished to provide the equivalent of half-inch reinforcing steel rods on twelve-inch centers both ways, top and bottom, in the new concrete patch. The concrete in the new patch must be at least four (4) inches thicker than the existing concrete, and the top surface must be finished to conform with the surface of the old concrete. In all cases where there is a hot asphalt pavement or premixed bituminous pavement, the edges of the existing pavement must be cut back an additional eight (8) inches beyond the edges of the patch before the new, permanent surface is replaced.

(Ord. of 8-5-85, § 8)

Sec. 14-79. - Compacting time required.

On all ways where permanent pavement has been built, a period of two (2) months must elapse after a trench has been backfilled before the permanent surface is replaced, and during this period, the trench will be sawcut clean and perpendicular to the roadway, be fully backfilled and paved with binder pavement (Hot Mix Asphalt 19.0mm) to the full depth of required pavement. Following the two-month compaction time the contractor will mill 1.5 inches of pavement and place a surface course of Hot Mix Asphalt 9.5mm or Hot Mix Asphalt 12.5mm as directed by the town engineer. The milling shall be perpendicular to the roadway and extend a minimum of 12" beyond the furthest limits of the trench resulting in a rectangular patch. Those trenches paved after October 1 will be milled and paved the following spring.

Any settlement that occurs within one year of the surface paving of the trench shall be corrected by the applicant as directed by the town engineer.

(Ord. of 8-5-85, § 9)

Sec. 14-80. - Violation and penalty.

A person or organization which violates this article shall be punished for each offense by a fine in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances, plus the cost of any applicable fees and charges for the work done which remains unpaid. No further permits shall be issued to, and no further excavation work which requires a permit shall be done by any person which violates this article until any amounts due have been paid. If a private party fails to complete within a reasonable time any work for which an excavation permit is required, the town may complete the work and charge the owner of the property for the cost of doing so.

(Ord. of 8-5-85, § 10; Ord. of 11-16-2015(3))

Sec. 14-81. - Entrances to public right-of-ways.

- (a) *Purpose*. This section provides for the review of any entrance onto a public way for compliance with sound construction and design practices, to ensure that traffic safety, drainage and public improvements are not adversely affected. A permit is not required for paving, culvert replacements, sealing or repairs to any existing access provided the access is not expanded. No access shall be granted from the end of an existing roadway or from the end of a hammerhead or "T" turnaround.
- (b) *Permit required*.
- (1) No driveway, entrance or approach or other improvement within the limits of the right-of-way for any public road may be constructed, altered or relocated except in accordance with an Entrance Permit issued by the town upon application. For the purposes of this permit no distinction is made between temporary, seasonal, or permanent entrances.
 - (2) No entrance, approach or other improvement constructed on the right-of-way shall be relocated or its dimensions altered without a permit from the town.
 - (3) The application fee for each permit is fifty dollars (\$50.00) for a driveway serving a single-family dwelling. For entrances serving other uses the permit fee is seventy-five dollars (\$75.00). For lots with multiple entrances if approved by the town engineer, a separate permit is required for each entrance.
 - (4) The entrance permit shall be valid for a period of twelve (12) months from the date of original issue.

- (5) The owner served by the entrance is responsible for future maintenance of the entrance within the limits of the right-of-way and shall maintain the entrance in accordance with the approved permit.
 - (6) *Applicant* . The applicant for a permit shall be the owner of the property or authorized representative being served. Any driveway or approach constructed by the owner shall be for the bona fide purpose of securing access to the owner's property and not for the purpose of parking or servicing vehicles on the right-of-way.
 - (7) The applicant shall hold harmless the town and its duly authorized agents and employees against any action for personal injury or property damage sustained by reason of the exercise of an entrance permit.
- (c) *Design criteria.*
- (1) Entrances shall be designed and constructed to provide safe access to the public way. Applicants shall comply with the *Access Management Rules for Driveways and Entrances* as developed by the Maine Department of Transportation, latest edition unless approved by the town engineer.
 - (2) *Sight distance criteria.*
 - a. All entrances shall be so located such that vehicles approaching or using the entrance will be able to obtain adequate sight distance in both directions along the public way or to maneuver safely and without interference with traffic.
 - b. Measurements to determine sight distance shall be made in the proposed entrance at a point ten (10) feet from the edge of pavement with the height of eye three and one-half (3½) feet above the pavement. The sight distance shall be computed from this point measuring along the roadway to a point where an approaching height of object four and one-quarter (4¼) feet is first seen.
 - c. Driveway placement shall be such that an existing vehicle has an unobstructed sight distance according to the following schedule:

Highway Speed (MPH)	Minimum Sight Distance (in feet)
25	200
30	250
35	305
40	360
45	425
50	495
55	570

(3) *Geometry* .

- a. The entrance shall be designed such that the grade within the right-of-way does not exceed ten (10) percent.
- b. For uncurbed public ways the entrance shall in general slope away from the road surface at a rate of not less than one-quarter ($\frac{1}{4}$) inch per foot, nor more than one (1) inch per foot for a distance of not less than the prevailing width of the existing shoulder, but in no case less than four (4) feet from the edge of pavement.
- c. The entrance should intersect the traveled way at a horizontal angle of ninety (90) degrees but in no case shall the horizontal angle be less than seventy-five (75) degrees.
- d. No part of the entrance shall extend beyond the property lot frontage for the lot being served.
- e. The entrance shall not be located close to an intersection and should be back at least seventy-five (75) feet from an unsignalized intersection, and 125 feet from a signalized intersection. On low volume dead end residential streets the town engineer may allow a reduction to fifty (50) feet from an intersection if a seventy (75) foot setback is not feasible.
- f. The width of a residential driveway shall be between 12 and 22 feet. The width of commercial driveways shall be in accordance with the MaineDOT Standard Details.

(4) *Drainage* .

- a. Existing roadside drainage in gutter or ditch lines shall not be altered or impeded by the applicant. The applicant must provide at his/her expense suitable and approved drainage structures at all entrances.
- b. Surface drainage shall be provided so that all surface water on the areas adjacent to the road shall be carried away from the roadway.
- c. Where a drainage culvert is required to maintain roadside drainage the Town must approve the pipe diameter/length and type pipe material prior to installation. In any case, the pipe size shall be at least twelve (12) inches in diameter.

(5) *Construction* .

- a. The owner is responsible for all construction and restoration of disturbed areas for the entrance within the limits of the right-of-way.
- b. The entire portion of any entrance within the limits of the right-of-way shall be constructed with a minimum fifteen-inch well-graded gravel base course (Maine Department of Transportation Type C).
- c. If the entrance grade within the right-of-way exceeds five (5) percent slope then the entrance shall have a paved surface within the limits of the right-of-way, if the entrance is less than five (5) percent slope only a five (5) foot paved apron will be required.

(6) *Curb and sidewalk*.

- a. When sidewalk or curb exists at the proposed entrance the applicant shall remove and replace such materials at the applicant's expense. Any granite curb to be removed by the applicant will remain the property of the town and shall be delivered to the Department of Public Works.
- b. Where curb exists, curb tip-downs shall be provided at each side of a new entrance. The tipdowns shall be four (4) feet in areas without sidewalk and seven (7) in areas with sidewalk.
- c. Where sidewalk is removed to accommodate a new entrance a new walk surface of equal type construction is to be provided. The sidewalk area at all entrances is to meet

accessibility requirements and conform to the American with Disabilities Act guidelines. In general, sidewalks shall meet the following:

1. The maximum sidewalk longitudinal transition slope is not to exceed one (1) vertical to twelve (12) horizontal.
2. The maximum sidewalk cross-slope is not to exceed two (2) percent.
3. No abrupt changes in grade are permitted and the maximum curb reveal crossing a walkway is one-half ($\frac{1}{2}$) inch or less.

(Ord. of 5-18-15(2))

Sec. 14-82. - Obstruction permit.

- (a) *Permit required.* No person shall obstruct any street or sidewalk by erecting any staging for building, or place or deposit any construction equipment or building materials thereon, or otherwise occupy, obstruct or encumber the public way for the purpose of facilitating construction or maintenance activities, without first obtaining an "obstruction permit" from the town engineer or designee for that purpose. A permit is not required for normal commercial delivery vehicles providing inventory and goods sold or consumed at the site or for special event activities as approved by the town. A permit is not required for any public utility vehicle performing emergency or normal service operations.
- (b) *Application required.* Applications for permits should be submitted in complete form at least five (5) business days before the desired obstruction date.
- (c) *Restriction or revocation of permit.* The town reserves the right to reject any obstruction permit or restrict the duration and timing of any obstruction permits where it deems necessary or appropriate to protect public health and safety. The town may revoke a permit when it deems appropriate due to any site issues that may develop that adversely impact or create a hardship to the public.
- (d) *Fee schedule.* The base application fee is ten dollars (\$10.00) plus the following as applicable:
 - (1) Occupying any parking stalls located within a time restricted area is fifteen dollars (\$15.00) per day per stall.
 - (2) Occupying any area where unrestricted parking is permitted is ten dollars (\$10.00) per day.
 - (3) Occupying a travel lane is fifteen dollars (\$15.00) per day.
 - (4) Occupying part of a sidewalk where sufficient sidewalk area remains to accommodate pedestrians (forty-eight (48) inches) or a temporary sidewalk area is provided to safely re-route pedestrians around the obstruction is ten dollars (\$10.00) per day.
 - (5) Occupying all of a sidewalk requiring pedestrians to detour and use an alternate route: twenty-five (\$25.00) per day.
 - (6) Occupying a street requiring the closure of the street to traffic is one hundred dollars (\$100.00) for up to four (4) hours or two hundred dollars (\$200.00) per day.
 - (7) Failure to obtain in advance an obstruction permit shall result in the following charges: twenty-five dollars (\$25.00) for the first occurrence and one hundred dollars (\$100.00) for the second occurrence and two hundred fifty dollars (\$250.00) for the third and each subsequent occurrence.
 - (8) Should the actual duration of the obstruction area increase from what the applicant originally indicated and paid then the applicant will promptly pay for such overage upon notification by the town. The maximum fee for an obstruction will be capped at two hundred dollars (\$200.00) per month for items 1 through 5 above.
- (e) *Application .* The applicant shall provide on proscribed forms the following information:
 - (1) Exact location of work;

- (2) Proposed limits of obstructed area (submit a site plan to scale if deemed necessary by town engineer);
 - (3) Duration of closure;
 - (4) Anticipated working hours;
 - (5) Responsible names with contact information for emergency site representatives, if needed, during non-work hours;
 - (6) *Provisions for maintaining traffic flow.* In most cases, the applicant will be required to submit a Traffic Control Plan (TCP). The TCP shall address advance warning signs, barricades around work area, and proposed detours. Plans should consider pedestrian needs in addition to vehicular traffic;
 - (7) *Proof of liability insurance.*
 - a. Commercial general liability insurance, including contractual liability insurance with a limit of at least one million dollars (\$1,000,000.00) per occurrence and a least two million dollars (\$2,000,000.00) general annual aggregate limit; and
 - b. Automobile liability insurance with a limit of at least one million dollars (\$1,000,000.00) for each occurrence.
- (f) *Obstruction permit criteria.*
- (1) All work is to be carried out during normal weekday only construction hours. No work is to start before 7:00 a.m. and all work is to end by 7:00 p.m. unless otherwise approved in advance.
 - (2) The applicant shall insure that the location of the obstruction is maintained in a neat and orderly fashion.
 - (3) It shall be the responsibility of the applicant to secure the perimeter of the obstructed area as may be necessary for pedestrian and vehicular safety. Applicant shall be responsible for installing and maintaining signage, jersey barriers, fencing, barricades and the like as deemed necessary by the applicant or the town engineer. Temporary or relocated pedestrian access shall meet the requirements of the Americans with Disabilities Act.
 - (4) All excavation within the Town right of way shall be backfilled flush with existing grade at the end of each work day unless previously approved by the town engineer.

(Ord. of 5-18-15(2))

Secs. 14-83—14-95. - Reserved.