



CITY OF SACO, MAINE

Administration
Saco City Hall
300 Main Street
Saco, Maine 04072-1538

Kevin L. Sutherland, City Administrator
Telephone: (207) 282-4191
Email: KSutherland@sacomaine.org
Facebook: [/sacomaine](https://www.facebook.com/sacomaine)
Twitter: [@sacomaine](https://twitter.com/sacomaine)

SACO CITY COUNCIL MEETING MONDAY, MARCH 6, 2017 – 6:30 PM CITY HALL AUDITORIUM

- I. CALL TO ORDER
- II. RECOGNITION OF MEMBERS PRESENT
- III. PLEDGE OF ALLEGIANCE
- IV. GENERAL
- V. PUBLIC COMMENT
- VI. CONSENT AGENDA
 - A. *“Be it ordered that the City Council approve the minutes for [January 9, 2017](#) and [February 6, 2017](#)”
“I move to approve the order”*
 - B. Confirm the Mayor’s Appointment of Dwayne Singletary to the Conservation Commission **P2**
- VII. AGENDA
 - A. (Public Hearing) Amendments to City Code Chapter 34 Personnel Ordinance **P4**
 - B. (First Reading) Addition of Chapter 171, Single Use Bags **P6**
 - C. (First Reading) Amendments to Chapter 186, Street Opening Ordinance **P11**
- VIII. COUNCIL DISCUSSION AND COMMENT
- IX. EXECUTIVE SESSION
“Be it ordered that the Saco City Council, Pursuant to [M.R.S.A. Title 1, Chapter 13, Subchapter 1, §405 (6) (E)] move to enter into Executive Session to discuss: potential litigation by a former employee (Bernaiche).”
- X. REPORT FROM EXECUTIVE SESSION
Language for this will be provided during Executive Session
- XI. ADJOURNMENT

CONSENT AGENDA: B

Date: March 6, 2017

MEETING ITEM COMMENTARY

AGENDA ITEM: Confirm the Mayor’s Appointment of Dwayne Singletary to the Conservation Commission

COUNCIL RESOURCE: Councilor Roger Gay

STAFF RESOURCE: Kevin L. Sutherland, City Administrator

BACKGROUND: The Conservation Commission consists of seven members appointed by the Mayor and confirmed by the Council, for a term of three years. Primarily, the Commission shall: conduct research into local land area usage; make recommendations to preserve and enhance the natural resources of the City; and assist the Planning Board on development applications.

The Mayor is seeking to have Dwayne Singletary appointed to the Conservation Commission for a three-year term.

EXHIBITS: 1. Dwayne Singletary’s Biography

RECOMMENDATION: Staff recommends the appointments.

SUGGESTED MOTION: *“Be it Ordered that the City Council confirm the Mayor’s appointment of Dwayne Singletary to the Conservation Commission for a three-year term ending on March 6, 2020.”*

“I move to approve the Order”.

Biography

Dwayne R. Singletary is a small local business owner who just this past year purchased the Camp Ellis General Store and Clamshell Takeout. Dwayne is also the owner of Star City Café and Bistro in Northern Maine and currently resides in Camp Ellis.

Dwayne comes to the Saco community having previously served on the Planning Board, Downtown Revitalization Committee, and Zoning Board of Appeals in Presque Isle, Maine. While living in Presque Isle, Dwayne ran for City Council and was nominated for the Presque Isle Public Library board of Trustees. After originally arriving in Presque Isle as the Manager of Ruby Tuesday (by way of transfer), Dwayne went on to open Star City Café and Bistro, which quickly went on to become a local favorite.

As a father of three Dwayne has a strong commitment to family and community ties, believing that families should strive to be involved in their respective communities, and work towards improving it for all professionally, academically, historically, and keeping the youth active.

Dwayne double majored in History and Theology while attending college over the course of ten years having taken time off (before returning to school) to serve as a Ranger in the U.S. Army.

While living in Saco, Dwayne wants to do all that he can to make the Saco community better for all those living and visiting the area, and to contribute to its continued growth and success.

MEETING ITEM COMMENTARY

AGENDA ITEM: (Public Hearing) Amendments to City Code Chapter 34
Personnel Ordinance

STAFF RESOURCE: Kevin L. Sutherland, City Administrator

COUNCIL RESOURCE: Councilor Alan Minthorn

BACKGROUND: Policies relating to personnel are listed in Saco City Code, Chapter 34: Personnel. In order to amend or change an ordinance, the process requires the standard three meeting process adopted as part of the Saco Charter (Section 2.09). This includes publication in a newspaper before the public hearing.

City staff is currently reviewing the personnel ordinance as well as several other city policies. By changing the code to reference a personnel policy, it will be easier and more effective to bring necessary change to Council's attention. It is our recommendation that Saco City Code, Chapter 34: Personnel be amended to read, "The City of Saco will have a personnel policy, on file with the City offices" and upon adoption, have Council approve the Personnel Policy as a separate document. This would enable our Human Resources Department to more efficiently modify the personnel practices for city staff with a one meeting approval from Council.

EXHIBITS:

1. Proposed Amendment
2. [Current City of Saco Code, Chapter 34: Personnel](#)
3. [Personnel Policy \(matches current language\)](#)

RECOMMENDATION: Staff recommends approval of the amendments to Chapter 34: Personnel Ordinance to reference the Personnel Policy

FUNDING: No funding is required

SUGGESTED MOTION: *"...move to open the Public Hearing."*

"... move to close the Public Hearing, and further move to set the Second and Final Reading of the document titled 'Amendments to Chapter 34 Personnel Ordinance dated February 21, 2017' for March 20, 2017."

AGENDA ITEM: A
EXHIBIT ITEM: 1
Date: March 6, 2017

Amendment to Chapter 34 Personnel Ordinance
February 21, 2017

“The City of Saco will have a personnel policy, on file with the City offices”

MEETING ITEM COMMENTARY

AGENDA ITEM: (First Reading) Addition of Chapter 171 – Single-Use Plastic Bags to Saco Municipal Code of Ordinances

STAFF RESOURCE: Meghan McInnis Doyon, Special Projects Manager

COUNCIL RESOURCE: Councilor Alan Minthorn

BACKGROUND: Single-use plastic bags have an adverse effect on the environment. Because the City is a coastal community with a river as a natural border, both aquatic and wild life are affected by the environmentally hazardous plastic bags. Research has shown that production and disposal of petroleum based products can injure or poison animals, disrupt habitats, and leach into ground water. Additionally, chemical by products can cause harm to humans, pets, and livestock.

The current proposal is to add “Chapter 171 – Single-Use Plastic Bags” to the City of Saco’s general code, which would not allow a business to provide a single use plastic bag. The City’s goal is to discourage single-use bags and to encourage the use of reusable bags. We recommend the implementation of a monetary fine system for violations of Chapter 171, should the proposal be approved and go into effect.

The Council reviewed this item at the February 21st, 2017 workshop.

EXHIBITS:

1. Addition to the Municipal Code of Ordinances – Chapter 171 – Single-Use Plastic Bags
2. Memorandum to Mayor and Council

RECOMMENDATION: Staff recommends adoption of Chapter 171 as drafted.

FUNDING: None needed.

SUGGESTED MOTION: *“The Saco City Council does hereby ordains and approves the First Reading of the document titled, “City of Saco Code Amendment: Chapter 171 - Single-Use Plastic Bags, and further move to set the Public Hearing for March 20, 2017”.*

**“City of Saco Code Amendment:
Chapter 171 - Single-Use Plastic Bags,”**

Chapter 171. Single-Use Plastic Bags

Section 171-101. Purpose:

It is in the best interest of the residents of the City of Saco (City) to protect the environment and natural resources of Maine by prohibiting the distribution and use of single-use plastic bags. This ordinance intends to encourage the use of degradable resin bags and/or reusable shopping bags in businesses.

Section 171-102. Findings:

Single-use plastic bags have an adverse effect on the environment. Because the City is an oceanside community with a river as a natural border, both aquatic and wild life are affected by the environmentally hazardous plastic bags. Research has shown that production and disposal of petroleum based products can injure or poison animals, disrupt habitats, and leach into ground water. Additionally, chemical by products can cause harm to humans, pets, and livestock.

Sec. 171-103. Authority:

This proposed Ordinance to be adopted pursuant to the City’s home rule authority pursuant to 30-A MRS Section 3001, et seq.

Section 171-104. Definitions:

ASTM International means the former American Society for Testing and Materials. It is now called ASTM International.

ASTM Standards means the standards related to single or reusable bags.

- ASTM 5208 is the standard for UV exposure of photodegradable plastics
- ASTM 5272 is the standard practice for outdoor exposure testing of photodegradable plastics
- ASTM 5338 is the standard for determining aerobic biodegradation of plastic materials (requiring oxygen)
- ASTM 5511 is the standard for determining anaerobic biodegradation of plastic materials (does not require oxygen)
- ASTM 6400 is the standard for labeling of plastics designed to be aerobically composted

Business means any business that has or requires a business license with the City.

Degradable means a compound that breaks down into simpler compounds by stages.

Emergency food or other goods provider means a facility operated by a non-profit or governmental agency that provides goods to residents for no charge

Degradable resin means a solid or highly viscous substance that is typically convertible into polymers.

Plastic means an organic or petroleum derived synthetic organic solid that is moldable.

Retail business means any business that sells consumers goods and has or requires a retail business license with the City.

Reusable bag means a bag with consumer carrying handles that is specifically designed and manufactured for multiple reuse and is made of cloth, fiber or other machine washable fabric, but not plastic film.

Single-use plastic bag means a bag with consumer carrying handles made from plastic, which also may or may not be intended for a one time use. These bags fall under the category of plastic film.

Section 171-105. Single-Use Plastic Bag:

A business, as defined above, may not provide single use bags made of plastic for any purpose. A business may provide a non-petroleum based bag that meets one or more of the aforementioned ASTM standards, such as:

- a paper bag
- a reusable bag as defined
- a bag made from degradable resin compounds

If a retail business chooses to not provide a bag of any kind, a sign that measures at least 3 inches by 5 inches near the point of sale and at least 10 inches by 14 inches at entrance door must be posted stating bags will not be provided.

Customers are allowed to bring into a business and use their own bags, including plastic bags, without the business being in violation hereof.

Section 171-106. Exemptions:

Exemption from these limitations herein is made for emergency food or goods providers.

The City Administrator may exempt other businesses during major City emergencies or disasters. The exemption will end when the emergency or disaster has ended per the City Administrator.

Section 171-107. Violations and Enforcement:

The City Administrator, or his/her designee(s), shall have the primary responsibility for enforcement of this Ordinance. If the City Administrator or his/her designee(s) determines that a violation of this Ordinance has occurred, he or she shall issue a written warning to the business that a violation was found. Subsequent violations of the Ordinance shall be subject to the penalties set forth below.

A violation of the ordinance is based on the availability of plastic bags in a business.

Violations of this Ordinance shall be punishable by fines as follows:

- A fine not exceeding \$250 for the first violation in a one-year period;
- A fine not exceeding \$500 for the second and each subsequent violation in a one-year period.

Each day that a violation occurs will be considered a subsequent violation.

Section 171-108. Effective Date:

The provision of this ordinance shall become effective 30 days after its enactment. Notwithstanding the preceding, the City Administrator is authorized to delay any enforcement of these provisions for up to a period of six (6) months so that local businesses may cost-effectively eliminate existing inventory of plastic bags, and secure replacement of an acceptable biodegradable alternative.

Section 171-109. Severability:

If any part or provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable.

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CITY OF SACO, MAINE

Administration
 Saco City Hall
 300 Main Street
 Saco, Maine 04072-1538

Meghan McInnis Doyon, Special Projects Manager

Telephone: (207) 282-4191
 Email: MDoyon@sacomaine.gov
 Facebook: [/sacomaine](https://www.facebook.com/sacomaine)
 Twitter: [@sacomaine](https://twitter.com/sacomaine)

MEMORANDUM

TO: Mayor Michaud and Council
FROM: Meghan McInnis Doyon, Special Projects Manager
DATE: February 24th, 2017
RE: **Chapter 171 – Single-Use Plastic Bags**

Chapter 171 – Single- Use Plastic Bags is ready for your review. The problem identified by the Council is the effect of petroleum based products on aquatic and wild life. The ordinance draft has been structured to best address that concern. Per the last review, a few sections within the draft were discussed in detail. I have highlighted those areas below with points of consideration.

The term ‘single-use plastic bag’ definition has been modified. It now includes only those with consumer carrying handles. The impact of the additional language is that it now narrows the range of plastic bags affected by this ordinance. Plastic bags that do not have handles, such as produce bags, newspaper bags, and floral wrap are no longer part of the scope.

Printing with non-petroleum ink was removed due to the inability to effectively enforce it. The City will encourage printing with non-petroleum ink by noting it in the FAQ.

It is not recommended to list in the ordinance that a bag must be labeled ‘reusable,’ ‘made from degradable resin compounds,’ or any variation thereof. A violation is based on the availability of plastic bags therefore a business can provide documentation that the bags are in compliance without a marking on the bag itself. Secondly, businesses may have locations in other communities that also have single use bag ordinances. We would like to give these businesses an opportunity to potentially use the same bags from those communities in this community.

The signage requirement is limited to retail businesses only. The greatest impact for a resident of not being provided a bag is in a retail establishment.

Lastly, the effective date is dictated by the Charter. However, you can allow for the enforcement thereof to be delayed. It recommended that the date be mid-September, after tourist season has wound down. Again, this will be listed in the FAQ, available on the City’s website.

MEETING ITEM COMMENTARY

AGENDA ITEM: (First Reading) Amendments to Chapter 186: Streets and Sidewalks

STAFF RESOURCE: Joseph Laverriere, P.E., City Engineer
Patrick Fox, Public Works Director

COUNCIL RESOURCE: Councilor William Doyle

BACKGROUND: Sections of Chapter 186 (Article I) of the City Code pertaining to excavation activities within City right-of-ways are being updated to provide a clear process for property owners and contractors needing to perform work in public places. These changes aim to clarify current practices, and modify other approaches to be more in line with excavation requirements in neighboring communities. Highlights of the changes include: creating separate permits for driveway paving versus excavation activities; establishing an annual approved contractor list based on proper insurance, ability, and deposits; overseeing final pavement restoration to improve ride quality and reduce future maintenance; tying work results to the contractor performing the work instead of the property owner requesting the work.

EXHIBITS:

1. Chapter 186: STREETS AND SIDEWALKS with revisions in red-line tract edit mode
2. Fee Schedule Changes (to be addressed in forthcoming annual fee update process)
3. Opening Permit Process Flow Chart

RECOMMENDATION: Staff recommends approval of the revisions as contained in Exhibit 1, as well as fee changes in the forthcoming round of annual fee schedule updates.

FUNDING: Not Applicable

SUGGESTED MOTION: *“The City of Saco hereby Ordains and approves the First Reading of the document titled, ‘Amendments to Chapter 186: STREETS AND SIDEWALKS, dated March 1, 2017’, and further moves to schedule the Public Hearing for March 20, 2017.”*

Chapter 186 Streets and Sidewalks

[HISTORY Adopted by the City Council of the City of Saco 5-1-1995 as Ch. XVIII of the 1994 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Dogs and nondomestic animals at large — See Ch. 64, Arts. II and IV, respectively.
Bicycles, skateboards and roller skates — See Ch. 69.

Sewers — See Ch. 176.

Trees — See Ch. 204.

Vehicles and traffic — See Ch. 211.

Article I Excavations in Streets and Public Places

§ 186-1 Definitions.

As used in this article, the following terms shall have the meanings indicated:

CITY

The City of Saco and/or its public works.

DRIVEWAY OPENING PERMIT

Permit issued by City to a licensed contractor for construction or reconstruction of any portion of a residential or commercial driveway within the public right-of-way.

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EXCAVATION

Any opening in the surface of a public place made in any manner whatsoever, except an opening in a lawful structure below the surface of a public place, the top of which is flush with the adjoining surface and so constructed as to permit frequent openings without injury or damage to the public place.

FACILITY

Pipe, pipeline, tube, main, service, trap, vent, vault, manhole, meter, gauge, regulator, valve, conduit, wire, tower, pole, pole line, anchor, cable, junction box or any other material, structure or object of any kind or character, whether enumerated herein or not, which is or may be lawfully constructed, left, placed or maintained in, upon, along, across, under or over any public place.

INSPECTOR

A duly authorized representative of the City, including the Director of Public Works, the City Engineer or their representatives.

LICENSED CONTRACTOR

Any person who has been issued a Contractor License by the City to work within public places and public right-of-ways in the City.

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NEWLY BUILT OR REBUILT STREETS

Any public place which has been newly built or rebuilt within the preceding five years.

PERMITTEE

Any person who has obtained a permit as required by this article.

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PERSON

Any person, firm, partnership, association, corporation, company or organization of any kind.

PUBLIC PLACE

Any public street, way, place, alley, sidewalk, park, square, plaza or any other similar public property owned or controlled by the City and dedicated to public use.

STREET OPENING PERMIT

Permit issued by the City to a licensed contractor for any construction activity within the public right-of-way, excluding work associated with residential or commercial driveways.

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UTILITY

A private company, corporation or quasi-municipal corporation under the direction and control of the Public Utilities Commission.

§ 186-2 ~~Start of work; notice; authority to revoke permit~~ Contractor License.

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A. No person or utility shall be granted an opening permit to work in a public place without holding a valid Contractor License for such work from the City. The Public Works Department shall issue such license upon receipt of a completed application; determination of competency and ability of the applicant to perform work in accordance with City standards; receipt of the required annual license fee; receipt of proof of insurance as required in § 186-31; and receipt of bond or cash deposit. A Contractor License may be revoked if the City determines the person or utility has willfully disobeyed any portion of this article. The Contractor License is valid from January 1st to December 31st of the year issued.

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B. Bonds or cash deposits shall be required for all licensed contractors in good standing, other than utilities, in order to guarantee their performance. Bonds in the amount of \$5,000 or cash deposit in the amount of \$2,500 shall be provided to the City in order for a license to be issued. Bonds shall be posted for a minimum of two (2) years. Cash deposits shall be refunded on an annual basis in the amount, not to exceed, \$2,000 upon approved completion

of all conditions of this article.

- ~~A. Excavation work must be started no later than 30 days from the date of issuance of the excavation permit. After the expiration of this thirty day period, the excavation permit shall become null and void and shall have to be renewed.~~
- ~~B. Excavation shall not begin within a twelve hour period from the time the permit is issued. The applicant shall notify the Director of Public Works when excavation will begin, at least 12 hours beforehand.~~
- ~~C. The Director of Public Works or his/her duly authorized representative shall have the authority to revoke the permit if it is found that any section of this article has been violated. Upon such action, the person or utility shall cease all work and proceed to make trench conditions safe to the public. Work shall not commence until a new permit has been issued and all waiting periods have been adhered to.~~

§ 186-3 Permit required.

- A. No ~~person-licensed contractor or utility~~ shall make any excavation or fill any excavation in any public place without first obtaining an opening permit from the Director of Public Works, except as otherwise provided in this article.

Examples of work typically requiring an opening permit include, but not necessarily limited to, installation of utilities, driveways, curbing or sidewalks; excavation or filling for grading purposes; or any other modification that could either damage the City's infrastructure or conflict with existing or planned utility or infrastructure locations.

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Construction activities limited to the repair/reconstruction of existing driveways or construction of new driveways within any public place (primary activity) are required to obtain a Driveway Opening Permit. The work associated with these construction activities may also include ancillary sidewalk and curb restoration work associated with the primary activity.

All other construction activities within a public place are required to obtain a Street Opening Permit.

- B. Each year, on or about March 31 and updated monthly thereafter, each utility should submit to the Director of Public Works its planned work program for the ensuing year, which will not include emergency work, as defined in § 186-21 hereof, or normal hours service lines. Any ~~excavation-opening~~ permit issued to a utility company by the Director of Public Works which is contained on the list aforementioned shall be issued for the duration depending on the complexity of the work to be performed and supported by a work schedule which must be approved by the Director of Public Works. Any ~~excavation-opening~~ permit issued to a utility company by the Director of Public Works which is not covered on the aforementioned list shall be issued for a period not to exceed 30 days from the time of issuance. All opening permits issued under this section will terminate on November 1 of each year.

- C. Excavation work must be started no later than 30 days from the date of issuance of the opening permit. After the expiration of this thirty-day period, the opening permit shall become null and void and shall have to be renewed.
- D. Excavation shall not begin within a twelve-hour period from the time the opening permit is issued. The applicant shall notify the Director of Public Works when excavation will begin, at least 12 hours beforehand.
- E. The Director of Public Works or his/her duly authorized representative shall have the authority to revoke the opening permit if it is found that any section of this article has been violated. Upon such action, the person or utility shall cease all work and proceed to make trench conditions safe to the public. Work shall not commence until a new opening permit has been issued and all waiting periods have been adhered to.

§ 186-4 **Application for permit.**

- A. No ~~excavation-opening~~ permit shall be issued unless a written application, on a form provided by the City for the issuance of an ~~excavation-opening~~ permit, is submitted to the Director of Public Works. The written application shall state the name and address of the applicant, licensed contractor, and an emergency phone number that will be answered 24 hours a day.
 - (1) If the applicant is other than a utility and intends to excavate in the vicinity of a facility owned or operated by a public utility or an oil pipeline owned by a person, the applicant shall provide the information required by the City under this section to the utility or person owning such facility, in addition to providing such information to the City.
 - (2) The application shall provide the name of the public place to be excavated, the street number, the beginning date of proposed work and the type of work to be done. Signatures of utility approval, the signature of the City department (if involved) and a diagram of the planned excavation, submitted on a sketch 8 1/2 inches by 11 inches, marked "Exhibit A," showing trench locations, trench widths, trench depths and the location of all barricades, warning signs, detour signs and detour routes may be required by the Director of Public Works. This sketch shall become part of the permit and shall be strictly followed. Three copies shall be presented with the application.
 - (3) The permit shall also provide for a preconstruction meeting if so warranted by the Director of Public Works.
- B. The application for an opening permit shall be accompanied by a cash deposit as hereinafter provided. All applications shall be presented to the Director of Public Works for the issuance of an ~~excavation-opening~~ permit, within 30 days from the date of the last utility approval. After the expiration of this thirty-day period, the application shall become null and void and shall have to be renewed.

§ 186-5 **Fees.**

[Amended 4-7-2003]

A fee established by the City Council after a public hearing shall be paid for each ~~excavation opening~~ permit or renewal thereof. ~~When required by the provisions of this article, additional charges for resurfacing the excavation for which a permit is requested shall be paid to the City before issuance of the permit. When additional charges for resurfacing are required by the provisions of this article, those charges shall be computed from the table of charges per square yard set forth in this section.~~Each opening permit may be assessed two (2) fees: an administrative charge and a permanent pavement restoration charge as follows:

A. Administrative: This fee shall reimburse the City for the direct cost of labor and equipment necessary to administer the rules and regulations of this article and the rehabilitation of the city streets primarily due to excavations.

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B. Permanent pavement restoration: This fee shall cover the City's cost of permanently restoring the disturbed pavement area.

Effective {Date of enactment of this amendment}, all fees and charges collected by the Administrator in the issuance of permits pursuant to this article shall be placed in a fund dedicated and utilized solely for the administration of this article and the rehabilitation of city streets primarily due to excavations.

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~~A.—Street opening charges and sidewalk opening charges shall be applicable as follows:~~

~~B.—(Reserved)~~

~~C.—Special conditions:~~

~~(1) There will be a minimum charge made for any street or sidewalk opening equivalent to two square yards, assessed at the appropriate unit rate above.~~

~~(2) There will be a minimum charge made for a street or sidewalk opening equivalent to two square yards for bar holes used for testing gas and water lines, assessed at the unit rate above.~~

~~(3) Where three or more street openings are made in sequence, 15 feet or less, center to center, between each adjacent opening, the permittee shall be charged for one opening measured from the first opening to the last opening.~~

~~(4) For street openings exceeding 100 square yards, the permittee may request the City's permission to contract privately for the street or sidewalk repairs. If the City agrees, the permittee shall post a bond for the estimated amount of street opening multiplied by the appropriate unit rate above or as approved by the Director of Public Works. Street repair must be done to City specifications, and it is subject to inspection by the Director of Public Works and/or the City Engineer. The City may charge the permittee for engineering and inspection charges incurred during the street excavation and repair work. The City may require a complete overlay at the permittee's expense.~~

~~(5) When a permittee is granted permission to permanently repair an excavation, the City may~~

~~send an on the job inspector, and the permittee shall be charged \$10 per hour for the services of such inspector.~~

~~(6) The City shall perform required resurfacing of any excavation permitted under the terms of this article which permitted excavation is 100 square yards or less in surface area. The cost of such resurfacing shall be paid by the permittee prior to issuance of the permit in accordance with the terms of this section, except that upon written request by a utility and approval by the Director of Public Works, the utility may contract privately to repair the street and/or sidewalk, all work to be done in accordance with Subsection C(4) and (5) above.~~

§ 186-6 **Deposits (Reserved)**

- ~~A. Special deposits. The application for an excavation permit to perform excavation work under this article shall be accompanied with a check deposit, made out to the City of Saco, Maine, to be deposited with the Director of Finance in accordance with the rates set forth herein.~~
- ~~B. Purpose. Any special deposit made hereunder shall serve as payment for the permanent repair of the excavation after the excavation work is completed and proper time has elapsed for settlement and the repair of said settlement by the permittee.~~
- ~~C. Refund or billing. Upon the completion of the excavation work and after settlement has stabilized, a measurement shall be made by the City of the size of the opening, and a bill or refund will be mailed to the permittee, depending upon the cost of said opening to be repaired. The cost of the repair of openings will be a factor of the total number of square yards multiplied by the rate set forth herein.~~
- ~~D. Public utility companies. Where excavations are made by public utility companies operating under a franchise issued by the City or under the supervision of the Public Utility Commission or utilities operated by governmental agencies, a permit may be granted without making such deposits. In such cases, the utilities shall be liable for the cost of the repair of the opening, which is a factor of the total amount of square yards multiplied by the rate set forth herein. However, the City may, in the future, require such deposit from any utility if a bill rendered in accordance with this article remains unpaid 60 days after the date of billing.~~

§ 186-7 Clearance for vital structures.

The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, valve housing structures, traffic signal cables and loops and all other equipment as designated by the City.

§ 186-8 **Protective measures and routing of traffic.**

- A. The permittee shall, in general, maintain safe crossings for two lanes of vehicle traffic at all street intersections where possible and safe crossings for pedestrians at intervals of not more than 200 feet. If any excavation is made across any public street, alley or sidewalk, adequate crossings shall be maintained for vehicles and for pedestrians. If the street is not wide

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enough to hold the excavated material without using part of the adjacent sidewalk, a passageway at least 1/2 of the sidewalk width shall be maintained along such sidewalk line.

- B. It shall be the duty of every permittee cutting or making an excavation in or upon any public place to place and maintain barriers and warning devices necessary for the safety of the general public. Traffic control in the vicinity of all excavations affecting vehicular, pedestrian and bicycle traffic shall be subject to final review and approval of the Traffic Engineer or his/her designated representative.
- C. Barriers, warning signs, lights, etc., shall conform to the latest edition of the Manual on Uniform Traffic Control Devices. Warning lights shall be electrical markers or flashers used to indicate a hazard to traffic from sunset of each day to sunrise of the next day. Electrical markers or flashers shall emit light at sufficient intensity and frequency to be visible at a reasonable distance for safety. Reflectors or reflecting material may be used to supplement, but not replace, light sources.
- D. The permittee shall take appropriate measures to assure that during the performance of the excavation work, traffic conditions as near normal as possible shall be maintained at all times so as to minimize inconvenience to the occupants of the adjoining property and to the general public.
- E. When traffic conditions permit, the ~~Traffic Engineer~~Public Works Director or his/her designated representative, with the approval of the Police and Fire Departments of the City, may, by written approval (or by verbal approval in case of emergency), permit the closing of streets and alleys to all traffic for a period of time prescribed by him/her, if in his/her opinion it is necessary. The written approval of the ~~Public Works Director~~Traffic Engineer of the City may require that the permittee give notification to various public agencies and to the general public. In such cases, such written approval shall not be valid until such notice is given. In case of emergency on weeknights, weekends or holidays, the utility company having such emergency shall contact the Police and Fire Departments by phone before closing a street to traffic, except in a case of immediate hazard of loss of life or serious property damage, in which event prompt notice of closing shall be given.
- F. Warning signs shall be placed far enough in advance of the construction operation to alert traffic within a public street, and cones or other approved devices shall be placed to channel traffic in accordance with the instructions of the ~~Public Works Director~~Traffic Engineer of the City, after his/her review of the proposed traffic control measures for the project.
- G. The permittee shall hereby be informed that the ~~Public Works Director~~Traffic Engineer of the City will require special police protection at locations where the permittee, by his/her work, interferes with school walk routes or crossing locations.
- H. The permittee is also informed that construction activities (unless an emergency condition exists) shall not interfere with the normal flow of traffic on arterial streets of the City, except to the extent and under conditions approved by the ~~Public Works Director~~Traffic Engineer and Police and Fire Departments. The full roadway lane width shall be maintained between the hours of 6:45 a.m. and 8:30 a.m. and between the hours of 4:00 p.m. and 9:00

p.m.

- I. The permittee may shift traffic to the opposite side of the roadway to maintain the above required lane width. The permittee may only make such shift with the approval of the Public Works Director~~Traffic Engineer~~, following proper review of detour plans to ensure adequate, safe two-way traffic flow and proper number and placement of police officers.

§ 186-9 Relocation and protection of existing utilities.

The permittee shall not interfere with any existing facility without the written consent of the City and the owner of the facility. If it becomes necessary to relocate an existing facility, this shall be done by its owner. No facility owned by the City shall be moved to accommodate the permittee unless the cost of such work shall be borne by the permittee. The cost of moving privately owned facilities shall be similarly borne by the permittee, unless it makes other arrangements with the person owning the facility.

- A. The permittee shall support and protect, by timbers or otherwise, all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work and do everything necessary to support, sustain and protect them under, over, along or across the work. The permittee shall secure approval of method of support and protection from the owner of the facility.
- B. In case any pipes, conduits, poles, wires or apparatus should be damaged, and for this purpose pipe coating or other encasement or devices are to be considered as part of a substructure, the permittee shall promptly notify the owner thereof. All damaged facilities shall be repaired by the agency or person owning them, and the expense of such repairs shall be charged to the permittee.
- C. It is the intent of this section that the permittee shall assume all liability for damage to facilities, and any resulting damage or injury to anyone because of such facility damage and such assumption of liability is a contractual obligation of the permittee. The only exception will be such instances where damage is exclusively due to the negligence of the owner of the facility. The City shall not be made a party to any action because of this section. The permittee shall inform itself as to the existence and location of all underground facilities and protect the same against damage.

§ 186-10 Abandonment of substructure.

- A. Whenever the use of a substructure is abandoned, except the abandonment of service lines designed to serve single properties, the person or utility owning, using or controlling such substructure or having an interest therein ~~age 9~~ shall, within 30 days after such abandonment, file with the City a statement, in writing, giving in detail the location of the substructure so abandoned. If such abandoned structure is in the way or subsequently becomes in the way of an installation of the City or any other public body, the owner of such substructure shall establish if the substructure is abandoned and make the first cut or tap before allowing the substructure to be removed by the excavator.
- B. When gas or other flammable service to buildings is discontinued, the existing service line for such service shall be terminated at a point outside the building.

§ 186-11 **Protection of public property.**

The permittee shall not remove, even temporarily, any trees or shrubs which exist in the street area without first obtaining the consent of the appropriate City department or City official having control of such property.

§ 186-12 **Excavated material.**

A. ~~A.~~ All work shall be conducted in strict accordance with the latest regulations of OSHA for excavations.

B. All excavations shall be performed in accordance with the City of Saco Department of Public Works specifications or in a manner prescribed by the Public Works Director for circumstances not covered by the specifications.

C. All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such manner as not to endanger those working in the trench, pedestrians or users of the streets and so that as little inconvenience as possible is caused to those using streets and adjoining property.

~~D.~~ Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, the City shall have the authority to require that the permittee haul the excavated material to a storage site and then rehaul it to the trench site at the time of backfilling.

~~E.~~ It shall be the permittee's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

~~F.~~ All material excavated shall be laid compactly along the side of the trench and kept trimmed so as to cause as little inconvenience as reasonably possible to vehicular and pedestrian traffic or as specified by the City. Whenever necessary in order to expedite the flow of traffic or to abate the dirt or dust nuisance, toe boards or bins may be required by the City to prevent the spreading of dirt into traffic lanes.

§ 186-13 **Breaking through pavement in streets.**

A. All excavations on paved street surfaces shall be precut in a neat straight line with pavement breakers or saws.

B. Heavy-duty pavement breakers may be prohibited by the City when the use endangers existing underground facilities or other property.

C. Cutouts of the trench lines must be normal or parallel to the trench line.

D. Pavement edges shall be trimmed to a vertical face and neatly aligned with the center line of the trench.

E. Unstable pavement shall be removed over caveouts and overbreaks, and subgrade shall be treated as the main trench.

F. The permittee shall not be required to pay for repair of pavement damage existing prior to

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the excavation, unless his/her cut results in small floating sections that may be unstable, in which case the permittee shall remove the unstable portion and the area shall be treated as part of the excavation.

- G. When three or more street openings are made in sequence (15 factor less, center to center, between each adjacent opening), the permittee shall neatly cut and remove the area of pavement between these adjacent openings and shall patch as one trench.

§ 186-14 Breaking through pavement in sidewalks.

- A. All parts of § 186-13 shall apply to this section in all cases except gravel sidewalks.
- B. On concrete sidewalks, all cuts shall be made from the nearest joint or score line on one side of the excavation to the nearest joint or score line on the other side of the excavation.
- C. All bricks in the way of excavation shall be removed by the permittee prior to the work to be done and transported to a storage site to be selected by the City.

§ 186-15 Backfilling.

Upon completion of the utility installation, the trench shall be backfilled to the grade of the underside of the surfacing material.

- A. Trench backfilling; paved areas. In paved areas, the backfill material shall be that excavated material which the inspector deems suitable and which the excavator may have stockpiled or it shall be a granular material from off site. Granular material for trench backfill shall be approved by the inspector and shall meet the requirements of the American Association of Highway Officials (AASHO) Specification M145-49, Classification A-3 or better. No stones over three inches in size, roots or other organic matter or frozen material will be allowed in the backfill material.
 - (1) The backfill shall be placed and compacted in layers not exceeding nine inches in depth. The moisture content of the fill material shall be such that 95% of optimum density, as determined by field tests, may be obtained. The maximum density shall be determined in accordance with AASHO Specification T180, Method C or D. The inspector shall reserve the right, if in his/her opinion the compaction is not adequate, to perform such tests necessary to confirm that the required compaction has been attained. The cost of such tests shall be borne by the excavator should they not meet the above requirements. If it is found that the above requirements have not been met, the excavator shall recompact and/or reexcavate and compact as necessary until the density requirements have been met. Compaction methods shall be the option of the excavator, provided that required densities can be met without disturbing or damaging existing facilities.
 - (2) Minimum depths of base and subbase materials in paved areas shall be those required under this article, unless existing conditions exceed these minimums.
- B. Trench backfilling; nonpaved areas. For nonpaved areas the trench may be backfilled with excavated material or with granular material described as specified in Subsection A above. The material shall be placed in layers not to exceed two feet and compacted to assure a

reasonably firm mass and to minimize subsequent settlement. Specific density requirements will not apply in these areas except that the permittee shall maintain any apparent trench settlement for a period of six months after the excavation has been completed.

§ 186-16 **Restoration of surface in streets and sidewalks.**

- A. ~~By City. Permanent resurfacing of excavations shall be made by the City. Temporary resurfacing by the permittee.~~

-The top surface of the backfill shall be covered with three inches compacted depth of bituminous temporary resurfacing material by the permittee. Such temporary paving material shall be cold mix, except that the permittee may use or the City may require hot mix. All temporary paving material shall conform closely enough to the level of the adjoining paving surface and shall be compacted so that it is hard enough and smooth enough to be safe for pedestrian travel over it, as well as for vehicular traffic to pass safely over it at a legal rate of speed. The permittee shall maintain temporary paving for a period not exceeding six months after all backfilling is completed and shall keep the same safe for pedestrian and vehicular traffic until the excavation has been resurfaced with permanent paving by the City, except that if it is not possible to maintain the surface of the temporary paving in a safe condition for pedestrian travel or vehicular traffic, then the permittee shall maintain barriers and light where required herein.

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- B. ~~By permittee Permanent resurfacing by the City.~~

Upon completion of the backfilling and temporary resurfacing of an excavation within a public place for the installation or removal of a substructure, ~~the City, at its option, may allow the permittee to-~~ the City shall permanently resurface that portion of the street surface damaged by the permittee's excavation, except that upon written request by a utility and approval by the Director of Public Works, the utility may contract privately to repair the street and/or sidewalk, all work to be done in accordance with City standards, in which event permanent resurfacing shall be done in a manner and under specifications prescribed by the City and shall be completed within a period of 90 days after such authorization to complete final resurfacing. If such permanent resurfacing is satisfactory to the City, all charges for resurfacing, except for City inspection charges as hereinbefore set forth, will be canceled. The cost to complete the permanent resurfacing work by the City will be paid through the Permanent Pavement Restoration Fee that is assessed to the permittee as part of the Opening Permit application.

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- C. Refilling of bar holes. Any person or utility making bar holes in the street or sidewalk area of any public way shall, immediately upon completion of the work, fill these bar holes by the method set forth below:
- (1) Plugging of bar holes. Bar holes shall be plugged by the use of Plug-R asphalt plugs made by the Package Pavement Company, Stormville, New York, or approved equal.
 - (2) The size of the asphalt plug to be used shall be as follows:

Size of Plug (inches)	Approximate Drill Size (inches)	Top Diameter Plug (inches)
3/4	3/4	1 7/8
1 1/8	1	1 1/4
1 1/8	1 1/4	1 1/2
1 1/4	1 1/2	1 3/4
1 1/2	1 3/4	1 3/4
1 3/4	2	2 1/4
2	2 1/4	2 1/2

D. Unfilled bar holes. Any bar holes left unfilled will be repaired by the City, and the minimum two square yards per hole will be charged to the permittee at the rate set forth herein.

§ 186-17 ~~Restoration of surface in sidewalks.~~ **(Reserved)**

~~A. By City. Permanent resurfacing of excavations in the sidewalk area shall be made by the City. If a large amount of square yardage is involved, 100 square yards or over, the permittee may repair the sidewalk area under the direct supervision and specifications of the City.~~

~~B. By permittee. Upon completion of the backfilling on brick, cement concrete and bituminous concrete sidewalks, the permittee shall place two inches of temporary paving material (cold mix) on the top surface of the backfill to protect the pedestrian travel on the sidewalk excavated and shall maintain such temporary patch for six months after the backfilling is completed.~~

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§ 186-18 **Trenches.**

The maximum length of open trench permissible at any time shall be 100 feet, and no greater length shall be opened for pavement removal, excavation, construction, backfilling, patching or other operation without the written permission of the City. No trench exceeding five feet in length shall remain open through night hours or nonworking days without the written permission of the City, which permission may be made conditional upon having the excavation guarded or protected by a watchman, at the permittee's expense, 24 hours a day. Trenches shall be at a width that will allow the backfill materials to be thoroughly compacted. When an excavation is within a paved area, the trench area within the pavement and road or sidewalk base area shall not be less than 24 inches in width.

§ 186-19 Prompt completion of work.

After an excavation is commenced the permittee shall pursue, with diligence and expedition, all excavation work covered by the ~~excavation-opening~~ permit and shall promptly complete such work and restore the ~~street-disturbed area~~ as specified herein. The permittee shall perform such restoration work so as not to obstruct, impede or create a safety hazard to public travel by foot or vehicle. The permittee must renew the ~~excavation-opening~~ permit far enough in advance of the expiration date if the terms of the permit have not been completed before expiration.

§ 186-20 Urgent work.

When traffic conditions, the safety or convenience of the traveling public or the public interests requires that the excavation work be performed as emergency work, the City shall have the full power to order, at the time the permit is granted, that a crew of men and adequate facilities be employed by the permittee beyond normal working hours, including up to 24 hours a day to the end, that such excavation work may be completed as soon as possible.

§ 186-21 Emergencies.

- A. Nothing in this article shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or for the location of trouble in conduit or pipe or for making repairs, provided that the person making such excavation shall apply to the City for such a permit on the first working day after such work is commenced. Before any excavation work is started, the person or utility excavating must contact all utilities or persons owning oil pipelines in the area for on-the-spot locations.
- B. Within 15 days after commencing any such emergency excavation, the person performing such emergency excavation shall make a detailed report thereof to the Director of Public Works, who shall review the same to determine whether or not such excavation was of an emergency nature. No further permits under this section shall be issued to the person or utility making such excavation after the expiration of the fifteen-day period until such report has been submitted.

§ 186-22 Noise; dust and debris.

Each permittee shall conduct and carry out excavation work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce, to the fullest extent practicable in the performance of the excavation work, noise, dust and unsightly debris and between the hours of 10:00 p.m. and 7:00 a.m. shall not use, except with the express written permission of the City or in case of an emergency as herein otherwise provided, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep of occupants of the neighboring property.

§ 186-23 Monuments.

Any monument set for the purpose of locating or preserving the lines of any street or property subdivision or a precise survey reference point or a permanent survey benchmark within the City shall not be removed or disturbed or caused to be removed or disturbed without first obtaining permission, in writing, from the City to do so. Permission to remove or disturb such monuments, reference points or benchmarks shall be granted only when no alternate route for the proposed

substructure or conduit is available. If the City is satisfied that no alternate route is available, permission shall be granted only upon the condition, by an agreement in writing, that the person or utility applying for such permission shall pay all expense incident to the proper replacement of this monument by the City.

§ 186-24 Granite curb.

No person or utility shall remove, damage, haul away or cause misalignment of any granite curbing, including radius curb and catch basin stones, for any reason whatsoever without first receiving written permission from the City. Any curb missing, damaged or misaligned shall be replaced by the contractor.

§ 186-25 Bituminous and concrete curb.

Any person or utility damaging bituminous and concrete curbing during the course of excavation work or for any other reason shall be charged for the repair or replacement of the bituminous and concrete -curbing at the rate set forth herein.

§ 186-26 Denial of permit; arterial streets.

- A. The Director of Public Works may, at his/her discretion, deny any street opening permit if he/she feels, in his/her judgment, such excavation would endanger the life or property of Saco citizens or if such excavation would endanger the general public or interfere with snow maintenance. The denial may be appealed within 30 days to the Saco City Council, and all denials by the Director of Public Works shall be made in writing to the applicant. Street opening permits for arterial streets will not be granted between December 1 and April 1 of each year, unless it can be shown that denial will create an undue hardship.
- B. The arterial streets are Main Street, U.S. Route No. 1, Beach Street, North Street, Industrial ~~Spur~~ Park Road and Bradley Street.

§ 186-27 Installation of facilities.

- A. No person or utility shall, without written permission of the City, install any facility, except manholes, vaults, valve casings, culverts and catch basins, at a vertical distance less than 24 inches below the established flow line of the nearest gutter in street areas. If the flow line is not established, then the depth shall be at a minimum of 24 inches below the surface of the nearest outermost edge of the traveled portion of the street.
- B. Other public places. The minimum depth of any facility on any other public place shall be 18 inches below the surface; provided, however, that the City may permit a lesser depth in special cases.
- C. Nothing in this section shall impose a duty upon the permittee to maintain said specifications as required herein upon subsequent changes of grade in the surface, unless the grade in the facility interferes with the maintenance of or travel on a public street.

§ 186-28 Inspections.

The City shall make such inspections as are reasonably necessary in the enforcement of this article. The City shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this article.

§ 186-29 Maps.

Every person or utility owning, using, controlling or having an interest in substructures under the surface of the public way used for the purpose of supplying or conveying gas, electricity, communication, impulse, water, steam, ammonia or oil in the City shall file with the City, after the adoption of this article, a map or set of maps, each drawn to scale commonly used by the utility, showing in detail the plan, location, size and kind of installation of all new and/or renewed substructures except service lines designed to serve single properties. These maps shall be provided to the City no later than 60 days after the completion date of construction.

§ 186-30 Liability of City.

This article shall not be construed as imposing upon the City or any official or employee any liability or responsibility for damages to any person injured by the performance of an excavation work for which an excavation permit is issued hereunder, nor shall the City or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit or the approval of any excavation work.

§ 186-31 Insurance.

A Public Liability Insurance Certificate naming the City as an additional insured shall be provided by the licensed contractor. The permittee shall maintain during the life of ~~this any~~ opening permit the following insurance, which shall be made a part of the permit application:

- A. Bodily injury liability and property damage liability insurance. The contractor shall take out and maintain during the life of this permit such bodily injury liability and property damage liability insurance and automobile bodily injury liability and property damage liability insurance as shall protect him and any subcontractor performing work covered by this permit from claims for damages for personal injury, including accidental death, as well as from claims for property damage which may arise from operations under this permit, whether such operations be by himself or by any subcontractor or by anyone directly or indirectly employed by either of them, and the amounts of such insurance shall not be less than the following: **[Amended 4-18-2000]**
- (1) Bodily injury liability insurance, in an amount not less than \$1,000,000 for injuries, including wrongful death to any one person, and subject to the same limit for each person in an amount not less than \$1,000,000 on account of one accident.
 - (2) Property damage insurance, in an amount not less than \$2,000,000 for damages on account of any one accident and in an amount not less than \$2,000,000 for damages on account of all accidents.

§ 186-32 Reconstructed or repaved streets.

Whenever the City has developed plans to reconstruct a street, the City or its representative shall give written notice thereof to all abutting property owners, to the City departments and to all public utilities or persons who or which have or may wish to lay pipes, wires or other facilities in or under the highway. Upon receipt of such written notice, such person or utility shall ~~age 16~~ have 60 days in which to install or lay any such facility. If an extension of time is needed by a person or utility for the installation of such facilities, the person or utility shall make a written

application to the City explaining fully the reasons for requesting such an extension of time. At the expiration of the time fixed and after such street has been reconstructed, no permit shall be granted to open such street for a period of five years, unless an emergency condition exists or unless the necessity for making such installation could not reasonably have been foreseen at the time such notice was given.

§ 186-33 Violations and penalties.

Any person, firm or corporation who or which violates any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$25 and not more than \$100. Each day such violation continues shall constitute a separate offense.

- A. If the work or any part thereof mentioned in the preceding sections of repairing or backfilling the trenches or excavations aforesaid shall be unskillfully or improperly done, the City shall cause the same to be skillfully and properly done and shall keep an account of the expense thereof, and in such case such person or utility shall pay the City an amount equal to the whole of the expense incurred by the City, with an additional amount of 50%. Thereafter, upon completion of the work and the determination of the costs thereof, the City shall issue no further or new permits to any person or utility until it shall receive payments of said costs.
- B. Any person or utility who or which continues to violate any section of this article shall receive no further permits until such time as the City is satisfied that the person or utility shall comply with the terms of this article.

Article II
Street Acceptances

§ 186-34 Streets less than 50 feet wide.

No street or way less than 50 feet wide shall be laid out and accepted by the City as a public street or way unless the same shall have been actually dedicated and constructed and used for public travel prior to December 8, 1978.

§ 186-35 Acceptance or extension of previously constructed streets.

No street or way dedicated or constructed prior to December 9, 1978, shall be accepted nor shall any street previously accepted be extended in length which is of a width less than 35 feet, unless the owners of property adjoining the street shall deed to the City of Saco sufficient land to lay out a street of minimum width, except as hereinafter provided.

§ 186-36 Petition by abutters; assessments.

No street or way in §§ 186-34 and 186-35 above shall be laid out, accepted, extended or improved unless:

- A. Petition by abutters. A majority of the abutters upon the street or way shall, in writing, on a form to be prescribed by the Director of Public Works, petition the City Council to improve the street by grading, curbing, gravelling, macadamizing, paving or in any other way making a permanent street of the same or any part thereof and in the petition shall waive any damages resulting from the laying out and acceptance of the street or way or any

necessary changes in the grade thereof and shall agree to pay their just proportion of 1/3 of the cost thereof. For purposes of this section, a majority of the abutters shall mean those abutters who own more than 50% of the frontage, both in front feet and in assessed value. The abutter shall be notified by letter.

- B. Assessments. When the street or way shall have been laid out and accepted as a public street or way and such improvements have been made, 1/3 of the cost thereof shall be assessed on the property adjacent to and bounded on such street or way in the manner and with the same right of appeal provided in 23 M.R.S.A. §§ 3601 to 3605. The assessment shall be on a front foot basis. The cost of the culs-de-sac or turnarounds necessary for the provision of municipal services shall be borne by the City of Saco. Land necessary for said culs-de-sac or turnarounds will be provided by the abutters.

**§ 186-37 Construction standards and acceptance of City infrastructure.
[Amended 12-15-2003]**

No street or way constructed on private lands by the owners thereof shall be hereafter recommended by any committee or office of the City government to the City Council for acceptance as a public street of the City of Saco unless previously constructed in accordance with the City's specifications, which shall constitute the minimum requirements for the acceptance of such street or way.

- A. Plan and profile. The accepted record drawing plan and profile of every such street shall be filed in the Planning Office and Department of Public Works.
- B. Design and construction standards. The entire area of the street shall be constructed in all respects according to Planning Board approval based on standards set forth in the City of Saco Subdivision Regulations, latest revision.
- C. Grades. The Director of Public Works or his designee shall fix grades of every such street.
- D. No petition for acceptance of a street or portion of a street shall be approved until the City Council has reviewed the request and considered the following factors: recommendations received from the Planning Board and staff as to completeness of the street, sidewalk, streetlights, street trees, drainage structures, utilities, deeds, easements, and any other issues the Planning Board, staff, or City Council deem appropriate.
- E. No petition shall be complete and ready for review until the following have been submitted, reviewed and found acceptable by staff:
 - (1) The legal description of the street to be accepted, name of subdivision where the street is located, date the subdivision was approved and the book and page where the subdivision plan is recorded at the York County Registry of Deeds.
 - (2) The warranty deed for the real estate to be conveyed to the City.
 - (3) Copies of any easements to be transferred.

- F. After a completed petition has been submitted to the City Planner, the City Planner shall seek recommendations from the City Administrator, Police Chief, Fire Chief, Public Works Director, Code Officer, Development Director, Parks and Recreation Director, Conservation Commission and such other officials or persons as he/she deems necessary. The City Planner will seek a recommendation from the Planning Board. The Planning Board shall consider the comments of City staff in arriving at a recommendation as to whether or not the street shall be accepted, which shall be forwarded to the City Council. Final action on the street acceptance will be made by the City Council.
- G. If any issues remain unresolved when brought forth for Council consideration, a written report shall be submitted by staff, and said issues shall be immediately reported to the Council. The Council shall determine whether said issues shall delay consideration of acceptance until resolved or may be noted and addressed as consideration of acceptance moves forward.

§ 186-38 Conveyance of land; filing of plan; bond.

Compliance with the above conditions and specifications will render a street or way constructed on private land by the owners thereof eligible for consideration by the Councilmen for laying out and acceptance as a street or public way for the use of the City of Saco, provided that:

- A. The owner conveys to the City, in fee, the land occupied by the street.
- B. A plan of the street shall be recorded in the York County Registry of Deeds.
- C. Should any of the work remain to be done to complete the project or street in any of its specifications, the owner shall post a good and sufficient bond with the City Treasurer to cover the cost of completion, in an amount to be set by the City Council.

§ 186-39 City not to participate financially.

It is expressly provided that the City of Saco will not participate financially in the improvement of a street where the primary beneficiary is a subdivider.

Article III

Building and Street Numbering

§ 186-40 Findings.

It is the responsibility of the City to protect the lives and property of the residents of Saco, and it is the desire of the City to operate efficient and effective public safety services. These efficient and effective public safety operations are inhibited by the current inconsistent residential building and street numbering process.

§ 186-41 Designation of numbers; Street Numbering Map.

All buildings shall bear a distinctive street number in accordance with and as designated upon the Street Numbering Map, on file with the City of Saco Assessors Department. The Assessor or his/her designee shall be responsible to maintain and keep current said map.

§ 186-42 **Display of numbers.**

The number shall be displayed upon the front of the building and/or on the side facing the street. The number shall be plainly visible from the street. Houses that are set back out of view from the road shall place a post or sign at the driveway entrance, upon which shall be affixed the herein specified numbers. For City fire lanes, a numbered sign shall be affixed vertically to the existing fire lane post and shall conform to the following dimensions:

- A. For two-digit numbers, the sign shall be five inches wide by five inches long.
- B. For three-digit numbers, the sign shall be eight inches wide by five inches long.
- C. For multiple numbers, two- or three-digit numbers are to be in order and sequential, allowing five inches for each number. The post/sign shall not be considered a structure which must conform to Zoning Ordinance setbacks. The post/sign shall be placed out of the City's right-of-way and shall be six feet in height.

§ 186-43 **Multifamily units.**

For multifamily houses or apartment buildings, the house number shall be displayed as outlined in § 186-42. Each individual apartment or living unit shall be clearly sublettered.

§ 186-44 **Number size and color.**

Numbers shall be in Arabic figures, be no less than three inches in height and a one-half-inch-wide stroke and shall contrast in color with the color of the building or background to which they are attached.

§ 186-45 **Illegal display of numbers.**

No person shall affix or allow to be affixed a different street number from the one designated on the Street Numbering Map by the Assessor.

§ 186-46 **Private ways.**

If there are three or more developed parcels that abut a private lane or way, the owners of those lots may petition the City to name the private way. The Assessor will then issue street numbers for that road. It will be the sole responsibility of the owners to maintain a street sign at the entrance to the private way in accordance with the current public works standards for other public and private road signs. The name of the private way cannot conflict with or sound similar to existing road names.

§ 186-47 **Violations and penalties.**

Any person who, after being notified by the Code Enforcement Officer or any officer from the City of Saco, fails to comply with any of the provisions of this article within the time limit of not less than 30 days specified in such notice shall pay a fine of not less than \$50 nor more than \$100 per violation.

Article IV
Obstructions

§ 186-48 **Obstruction of public ways prohibited.**

No person shall place or deposit or cause to be placed or deposited any ice, snow, objects, material or any other obstruction on any road, highway, street, lane or sidewalk in the City of Saco in such a manner as to obstruct or create a hazard to vehicles traveling on such road, highway, street or lane or to obstruct or create a hazard to pedestrians using sidewalks.

§ 186-49 **Violations and penalties.**

Any person who violates the provisions of this article shall be punished by a fine of not less than \$10 and not more than \$100, to be recovered to the use of the City by complaint in the District Court.

Article V
Entrances to Highways in Compact Section

§ 186-50 **Permits.**

Permits for driveways, entrances and approaches to compact or built-up sections shall be granted as follows:

- A. A permit shall be issued to a property owner for a driveway, entrance or approach not to exceed 33 feet for each 175 feet or less of frontage in the compact or built-up section.
- B. A permit shall be issued for an additional driveway, entrance or approach, not to exceed 33 feet in width, to a property owner who has frontage of more than 175 feet on the compact or built-up section, provided that the driveways, entrances or approaches are separated by an island that shall not be less than 75 feet in width.
- C. A permit shall be issued for an additional driveway, entrance or approach, not to exceed 20 feet in width, to a property owner who has frontage of more than 175 feet on the compact or built-up section, provided that the driveways, entrances or approaches are separated by an island that shall not be less than 35 feet in width.
- D. For the purposes of this section, the words "compact or built-up section" are defined as stated in 23 M.R.S.A. § 2.
- E. Notwithstanding Subsections **A**, **B** and **C** above, a permit for a second driveway entrance may be granted to the owner(s) of a two-family dwelling if the lot and dwelling meet all of the following conditions:
 - (1) The lot has at least 75 feet of frontage.
 - (2) The lot is located on a street classified as a local street in the 1990 Infrastructure Inventory and Management Program or, in the case of a new street, is classified as local by the Director of Public Works, using the same standards as the 1990 report.
 - (3) The building entrances, in the judgment of the Director of Public Works, are substantially at

the opposite ends of the building as it parallels the street frontage where the driveways will be located.

- (4) The width of each driveway entrance does not exceed 16 feet.
- (5) An island width of 20 feet is maintained between the two driveway entrances.

Article VI
Closing of Ways

§ 186-51 Findings; purpose; statutory authority

- A. Temporary closings are necessary at different times of the year and are not limited to springtime or mud season.
- B. The following rules and regulations are necessary to ensure the proper use and to prevent abuse of all highways under our maintenance or supervision by motor-driven vehicles for the protection of public safety, health and property, to extend and retain the life expectancy of City ways and bridges and to reduce the public expense of their maintenance and/or repair.
- C. This article is adopted pursuant to 30-A M.R.S.A. § 3009 and 29 M.R.S.A. §§ 902 and 1611.

§ 186-52 Definitions.

The definitions contained in Title 29 of the Maine Revised Statutes Annotated shall govern the construction of words contained in this article. Any words not defined therein shall be given their common and ordinary meaning.

§ 186-53 Restrictions and notices.

Whenever notice has been posted as provided herein, no person may thereafter operate any vehicle with a gross registered weight in excess of the restriction during any applicable time period on any way or bridge so posted, unless otherwise exempt as provided herein.

- A. The notice shall contain, at a minimum, the following information: the name of the way or bridge, the gross registered weight limit, the time period during which the restriction applies, the date on which the notice was posted and the signature of the posting official.
- B. The notice shall be conspicuously posted at each end of the restricted portion of the way or bridge in a location clearly visible from the travel way. Whenever a restriction expires or is lifted, the notices shall be removed wherever posted. Whenever a restriction is revised or extended, existing notices shall be removed and replaced with new notices.
- C. No person may remove, obscure or otherwise tamper with any notice so posted, except as provided herein.

§ 186-54 Designation of ways and bridges.

The Director of Public Works is hereby directed and authorized to designate such City ways and bridges or portions thereof, over age 22 which, during such periods of time as he/she may

determine are necessary for the protection of such ways and bridges in implementing the within rules for the purpose herein stated.

§ 186-55 Signs.

The Director of Public Works is further directed and authorized to cause the construction and painting of conspicuous signs for the posting of the closed portions of ways and bridges with the information as provided herein.

§ 186-56 Exemptions.

The following vehicles are exempt from this article:

- A. Any two-axle vehicle while delivering home heating fuel.
- B. Any emergency vehicle (such as fire-fighting apparatus or ambulances) while responding to an emergency or routine training or maintenance activities.
- C. Any vehicle while engaged in highway maintenance or repair under the direction of the City or state.
- D. Any school transportation vehicle while transporting students.
- E. Any public utility vehicle while providing emergency service or repairs.
- F. Any vehicle whose owner or operator holds a valid permit from the Director of Public Works or his/her designee as provided herein.

§ 186-57 Permits.

- A. The owner or operator of any vehicle not otherwise exempt as provided herein may apply, in writing, to the municipal officers for a permit to operate on a posted way or bridge notwithstanding the restriction. The Director of Public Works or his/her designee may issue a permit only upon all of the following findings:
 - (1) No other route is reasonably available to the applicant.
 - (2) It is a matter of economic necessity and not mere convenience that the applicant uses the way or bridge.
 - (3) The applicant has tendered cash, a bond or other suitable security running to the City in an amount sufficient, in the official's judgment, to repair any damage to the way or bridge which may reasonably result from the applicant's use of the same.
- B. Even if the Director of Public Works or designee makes the foregoing findings, he/she need not issue a permit if he/she determines the applicant's use of the way or bridge could reasonably be expected to create or aggravate a safety hazard or cause substantial damage. The Director of Public Works may also limit the number of permits issued or outstanding as may, in his/her judgment, be necessary to preserve and protect the highways.
- C. In determining whether to issue a permit, the municipal officers shall consider the following

factors:

- (1) The gross registered weight of the vehicle.
 - (2) The current and anticipated condition of the way or bridge.
 - (3) The number and frequency of vehicle trips proposed.
 - (4) The cost and availability of materials and equipment for repairs.
 - (5) The extent of use by other exempt vehicles.
 - (6) Such other circumstances as may, in their judgment, be relevant.
- D. The municipal officials may issue permits subject to reasonable conditions, including, but not limited to, restrictions on the actual load weight and the number or frequency of vehicle trips, which shall be clearly noted on the permit.

§ 186-58 Administration and enforcement.

This article shall be administered and may be enforced by the municipal officers or their duly authorized designee.

§ 186-59 Violations and penalties.

- A. Any violation of the provisions of this article shall be considered a civil infraction and subject to a minimum mandatory fine of \$250 up to a maximum of \$1,000. In addition to any fine, the City may seek restitution for the cost of repairs to any damaged way or bridge and reasonable attorney fees and costs. All penalties shall accrue to the municipality.
- B. Prosecution shall be in the name of the City and shall be brought in the Maine District Court.

§ 186-60 When effective; amendments.

- A. This article shall become effective 30 days from the date of adoption. The City Clerk is authorized and directed to have this article and adoption published as provided by the City Charter.
- B. This article may be amended by the municipal officers at any properly noticed meeting.

§ 186-61 Accessways.

[Added 12-18-2000]

State law, 23 M.R.S.A. § 3032, permits the City to abandon town ways but to retain simultaneously a public easement on such abandoned ways. The City expressly sets forth herein the conditions for such retention and improvements of public easements.

- A. If the City abandons a town way but retains a public easement, at the time of such abandonment and the retention of a public easement, the City Council may determine if and when it will improve the public easement by creation of an accessway. It will also further

determine what manner of improvements will be made. The decision to create any accessway is discretionary and can be made any time after retention of the public easement.

- B. The decision as to scope and extent of any improvements constituting an accessway will lie with the Council. An accessway shall be those improvements paid and maintained at City expense which permit the public access to land or water by foot or other means (animal, bicycle, etc), but not by motorized vehicle, and may include but are not limited to the following actions/improvements:
 - (1) Clearing.
 - (2) Grading.
 - (3) Filling and backfilling.
 - (4) Paving.
 - (5) Decking or boardwalks.
 - (6) Simple bridge work.
 - (7) Utilities and utility service.
- C. Notwithstanding Subsection **B**, the City of Saco may operate motorized vehicles on any accessway for emergency or other governmental purposes.
- D. Accessways, unlike town ways, will not be constructed to the standards set forth in Article **I** or Article **II** of this chapter.
- E. Though established, the City will maintain an accessway for public use and benefit at its discretion and as its finances permit.
- F. An accessway may only be established on those proposed so-called "paper streets" shown on a certain list dated September 12, 1997, and as recorded in the York County Registry of Deeds at Book 8445, Page 240.

§ 186-62 **Bridle paths and trails.**
[Added 12-18-2000]

State law, 23 M.R.S.A. § 3151 et seq., authorizes the City to lay out, alter and discontinue bridle paths and trails. The City expressly sets forth herein the conditions for such ways as permitted pursuant to 23 M.R.S.A. § 3152.

- A. The City may accept, lay out, alter or discontinue bridle paths or trails as it determines, but if it shall choose to accept or lay out such paths or trails, they shall be limited to accessing land or water by foot, bicycle, animal or nonmotorized vehicles only.
- B. Creation of such paths and trails may include, but is not limited to, the following

improvements:

- (1) Clearing.
 - (2) Grading.
 - (3) Filling and backfilling.
 - (4) Paving.
 - (5) Decking or boardwalk.
 - (6) Simple bridgework.
 - (7) Utilities and utility service.
- C. Bridle paths and trails may, alternatively, be left in a roughly natural, vegetative condition, provided that at least minimal access is kept or maintained for the public.
- D. Bridle paths and trails, unlike town ways, will not be constructed to the standards set forth in Article I or Article II this chapter.
- E. Though established, the City will maintain bridle paths and trails for public use and benefit at its discretion.

Article VII
Subdivisions

§ 186-63 **Improvements in old subdivisions.**
[Added 11-5-2001]

The construction of streets, sewers, drains and other improvements in any subdivision approved prior to October 13, 1988, in which the construction of said improvements was not completed prior to September 1, 2001, shall conform to the current street, storm water drainage, erosion and sedimentation, water supply, and sewage disposal and other standards of Article 11 and Sections 10.10, 10.11, 10.12, 10.13, 10.17, 10.18, 10.19, 10.20, 10.21, 10.22 of Article 10, of the Saco Subdivision Regulations and Standard Construction Specifications of the City unless such conformance is waived by formal vote of the Planning Board based upon a finding that lack of conformance with the specific standard will not reduce public safety, will not reduce traffic flow or efficiency, will not adversely impact drainage in the area, will adequately provide for sewage disposal, will not adversely impact water quality and will not reduce the expected life of said improvements. Any street in such a previously approved subdivision that is constructed after September 1, 2001, that does not meet these standards, unless waived by the Planning Board, shall not be accepted as a public street by the City Council.

EXCERPT OF CURRENT FEE SCHEDULE

CITY OF SACO
Fee Schedule (July 1, 2016)

Code	Subject	Amounts
Chapter 186 Public Works		
Street Openings	Street Opening	\$30.00 per each
	Inspection fees	\$25.00 per each
	Bituminous concrete over concrete base	\$100.00 per square yard
	Portland cement concrete	\$75.00 per square yard
	Bituminous concrete over bituminous concrete (less than 4 inches) over gravel base	\$50.00 per square yard
	Driveway apron	\$400.00 per each
	Bituminous treated surface or shoulder	\$20.00 per square yard
	Plain gravel surface	\$20.00 per square yard
Sidewalk Opening	Brick sidewalk	\$100.00 per square yard
	Bituminous concrete sidewalk	\$40.00 per square yard
	Portland cement sidewalk	\$75.00 per square yard
	Gravel sidewalk	\$20.00 per square yard
	Esplanade	\$15.00 per square yard
	Other charges shall be applicable as follows:	
	Bituminous concrete curbing	\$10.00 per linear foot
	Granite curbing removal/realignment	\$20.00 per linear foot
	Removal and replacement of street name and traffic control signs	\$50.00 per each
	Replacement and installation of lost or damaged granite curb	\$50.00 per linear foot
	Concrete curbing	\$15.00 per linear foot
	Driveway culvert per 20 ft length	
	12 inch or less	\$250.00
	15 inch	\$300.00
	18 inch	\$350.00
	24 inch	\$400.00

PROPOSED FEE SCHEDULE

CITY OF SACO
Fee Schedule (July 1, 2017)

Code	Subject	Amounts
Chapter 186 Public Works		
Opening Permits	Street Opening Permit Application Fee	\$30.00 per each
	Driveway Opening Permit Application Fee	\$10.00 per each
	Contractor License Fee	\$100.00 per year
	Inspection Fees	\$25.00 per each
	Permanent Pavement Restoration Fee	\$25.00 per square yard



**CITY OF SACO
OPENING PERMIT PROCESS FLOW CHART**