

## ORDINANCE FOR EXCAVATION OF PUBLIC WAYS

### **SECTION 186-41. DEFINITIONS**

"Excavation" shall mean 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.

"Public place" shall mean 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.

"City" shall mean the City of Saco and/or its Public Works.

"Facility" shall mean pipe, pipeline, tube, main, service, trap, vent, 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.

"Person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

"Utility" shall mean a private company, corporation or quasi municipal corporation under the direction and control of the public utilities commission.

"Newly built or rebuilt streets" shall mean any public place which has been newly built or rebuilt within the preceding five (5) years.

"Inspector" A duly authorized representative of the city including the Public Works Director, the city engineer or their representatives.

Excavation work must be started no later than thirty (30) days from the date of issuance of the excavation permit. After the expiration of this thirty day period, such excavation permit shall become null and void and shall have to be renewed.

Excavation shall not begin within a twelve-hour period from the time the permit is issued. The applicant shall notify the Public Works Director when excavation will begin at least twelve (12) hours beforehand.

The Public Works Director or his duly authorized representative shall have the

authority to revoke said permit if it is found that any section of the 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.

#### **SECTION 186-42. EXCAVATION PERMIT REQUIRED**

No person or utility shall make any excavation or fill any excavation in any public place without first obtaining a permit from the Public Works Director except as otherwise provided in this article.

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 Section 23-60 hereof, or normal hours service lines. Any excavation 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 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 thirty (30) days from the time of issuance. All permits issued under this section will terminate on November 1 of each year.

#### **SECTION 186-43. APPLICATION FOR PERMIT**

No excavation permit shall be issued unless a written application on a form provided by the city for the issuance of an excavation permit is submitted to the Public Works Director. The written application shall state the name and address of the applicant and an emergency phone number that will be answered twenty-four (24) hours per day. 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 oil pipe line owned by a person, said 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. The application shall provide the name of the public place to be excavated, street number, the beginning date of proposed work, the type of work to be done. Signatures of utility approval, the signature of city department (if involved), a diagram of the planned excavation submitted on an eight and one-half (8 1/2) inch by eleven (11) inch sketch marked "Exhibit A" showing trench locations, trench widths, trench depths, location of all barricades, warning signs, detour signs and detour routes, may be required by the Public Works Director. This sketch shall become part of the permit and shall be strictly followed. Three (3) copies shall be presented with the application. The permit shall also provide for a preconstruction meeting if so warranted by the Public Works Director.

The application for 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 permit within thirty (30) days from the date of the last utility

approval. After the expiration of this thirty-day period such application shall become null and void and shall have to be renewed.

**SECTION 186-44. PERMIT FEE; STREET AND SIDEWALK OPENING FEE**

A fee of five dollars (\$5.00) shall be paid for each excavation 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.

9a) STREET OPENING CHARGES (per square yard):

TYPE	PER SQUARE YARD
1. Bituminous concrete over concrete base, granite block base, or bituminous concrete base (total bituminous concrete 4" or more)	\$60.00
2. Portland cement concrete or granite block	25.00
3. Bituminous concrete over macadam base, or bituminous concrete (less than 4") over gravel base	50.00
4. Bituminous macadam surface	23.00
5. Bituminous treated surface or shoulder	20.00

TYPE	SQUARE YARDS
6. Plain gravel surface	8.00

(b) SIDEWALK OPENING CHARGES (per square yard)

7. Brick sidewalks	100.00
8. Bituminous concrete sidewalk	25.00
9. Portland cement sidewalk	30.00

10. Gravel sidewalk	10.00
11. Esplanade	\$8.00

(c) OTHER CHARGES

12. Bituminous concrete curbing, per linear foot	4.00
13. Granite curbing removal or realignment, per linear foot	20.00
14. Removing and replacing street name and traffic-control signs	each 25.00
15. Replacement and installation of lost or damaged granite curb, per linear foot	30.00

(d) 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 street or sidewalk opening equivalent to two (2) square yards, for bar holes used for testing gas and water lines, assessed at the unit rate above.
- (3) Where three (3) or more street openings are made in sequence fifteen (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 one hundred (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 times the appropriate unit rate above or as approved by the Director of Public Works. Street repair work must be done to city specifications, and it is subject to inspection by the Public Works Director 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 ten dollars (\$10.00) 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 one hundred (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 Public Works Director, the utility may contract privately to repair the street and/or sidewalk, all work to be done in accordance with paragraphs (4) and (5), above.

#### **SECTION 186-45. CASH DEPOSITS**

(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 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 section remains unpaid sixty (60) days after the date of billing.

#### **SECTION 186-46. 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.

#### **SECTION 186-47. PROTECTIVE MEASURES AND ROUTING OF TRAFFIC**

The permittee shall in general maintain safe crossings for two (2) lanes of vehicle traffic at all street intersections where possible and safe crossings for pedestrians at intervals of not more than two hundred (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 enough to hold the excavated material without using part of the adjacent sidewalk, a passageway at least one-half (1/2) of the sidewalk width shall be maintained along such sidewalk line.

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 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 designated representative.

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 to replace light sources.

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.

When traffic conditions permit, the traffic engineer or his designated representative, with the approval of the police and fire departments of the City, may be 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, if in his opinion it is necessary. The written approval of the 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 week nights, 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.

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 traffic engineer of the City, after his review of the proposed traffic-control measures for the project.

The permittee shall hereby be informed that the traffic engineer of the City will require special police protection at locations where permittee, by his work, interferes with school walk routes or crossing locations.

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 (Appendix A) (Section 23-73), except to the extent and under conditions approved by the 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..

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 a shift with the approval of the traffic engineer following proper review of detour plans to insure adequate safe two-way traffic flow and proper number and placement of police officers.

#### **SECTION 186-48. 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 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. 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 said work. The permittee shall secure approval of method of support and protection from the owner of the facility. In case any of said 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. It is the intent of this paragraph that 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 paragraph. The permittee shall inform itself as to the existence and location of all underground facilities and protect the same against damage.

#### **SECTION 186-49. ABANDONMENT OF STRUCTURE**

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, controlling, or having an interest therein, shall within thirty (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 abandonment 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.

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.

#### **SECTION 186-50. 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.

#### **SECTION 186-51. CARE OF EXCAVATED MATERIAL**

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.

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

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.

#### **SECTION 186-52. BREAKING THROUGH PAVEMENT IN STREETS**

(a) All excavation on paved street surfaces shall be pre-cut 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 the repair of pavement damage existing prior to the excavation unless his 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 (3) or more street openings are made in a sequence (fifteen (15) feet or 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.

#### **SECTION 186-53. BREAKING THROUGH PAVEMENT IN SIDEWALKS**

(a) All parts of Section 23-52 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.

#### **SECTION 186-54. BACKFILLING OF EXCAVATION**

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 AASHTO Specification M145-49, Classification A-3 or better. No stones over three (3) inches in size, roots or other organic matter or frozen material will be allowed in the backfill material.

The backfill shall be placed and compacted in layers not exceeding nine (9) inches in depth. The moisture content of the fill material shall be such that ninety-five (95) percent of optimum density, as determined by field tests, may be obtained. The maximum

density shall be determined in accordance with AASHTO specification T-180, Method C or D.

The inspector shall reserve the right, if in his opinion the compaction is not adequate, to perform such tests necessary to confirm that the required compaction has been obtained. The cost of such test 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 re-excavate and compact as necessary until the densities requirement have been met. Compaction methods shall be the option of the excavator providing required densities can be met without disturbing or damaging existing facilities.

Minimum depths of base and subbase materials in paved areas shall be that required under Section 23-80 of this article unless existing condition 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 (a) above. The material shall be placed in layers not to exceed two (2) feet and compacted to assure a reasonable 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 (6) months after the excavation has been completed.

#### **SECTION 186-55. RESTORATION OF SURFACE IN STREETS**

(a) By City. Permanent resurfacing of excavations shall be made by the City. The top surface of the backfill shall be covered with three (3) inches compacted depth of bituminous temporary resurfacing material, by the permittee. Such temporary paving material shall be cold mix, except that 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 (6) months after all backfilling is completed and shall keep 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.

(b) By permittee. Upon completion of the backfilling and temporary resurfacing of an excavation in a public place for the installation or removal of a substructure, the City, as it's option, may allow the permittee to permanently resurface that portion of the street surface damaged by the permittees excavation. 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 ninety (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.

(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 plug made by the Package Pavement Company, Stormville, New York, or approved equal.

(2) Size of 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 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
2	2 1/4	2 1/2

(d) Unfilled bar holes. Any bar hole left unfilled will be repaired by the City and the minimum two (2) square yards/hole, will be charged to the permittee at the rate set forth herein.

### **SECTION 186-56. RESTORATION OF SURFACE IN SIDEWALKS**

(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, one hundred (100) square yards or over, the permittee may repair the sidewalk area under the direct supervision and specifications by the City.

(b) By Permittee. Upon completion of the backfilling on brick, cement concrete, and bituminous concrete sidewalks, the permittee shall place two (2) 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 (6) months after the backfilling is completed.

### **SECTION 186-57. TRENCHES**

The maximum length of open trench permissible at any time shall be one hundred (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 (5) feet in length shall remain open through the night hours or nonworking days without the written permission of the City, which permission may be made conditional upon having said excavation guarded or protected by a watchman at the permittee's expense twenty-four (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 twenty-four (24) inches in width.

#### **SECTION 186-58. PROMPT COMPLETION OF WORK**

After an excavation is commenced, the permittee shall pursue with diligence and expedition all excavation work covered by the excavation permit and shall promptly complete such work and restore the street 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 permit far enough in advance of the expiration date if the terms of the permit have not been completed before expiration.

#### **SECTION 186-59. URGENT WORK**

When traffic conditions, the safety or convenience of the traveling public or the public interest require 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 twenty-four (24) hours a day to the end, that such excavation work may be completed as soon as possible.

#### **SECTION 186-60. EMERGENCY ACTION**

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 pipe lines in the area for on the spot locations.

Within fifteen (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 same to determine whether or not such excavation was of an emergency nature. No further permits under this article shall be issued to the person or utility making such excavation after the expiration of fifteen day period until such report has been submitted.

## **SECTION 186-61. 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 the 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.

## **SECTION 186-62. PRESERVATION OF MONUMENTS**

Any monument set for the purpose of locating or preserving lines of any street or property subdivision, or a precise survey reference point, or a permanent survey bench mark within the City, shall not be removed or disturbed or cause 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 bench marks 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 condition, by an agreement in writing, that the person or utility applying for such permission shall pay all the expense incident to the proper replacement of this monument by the City.

## **SECTION 186-63. 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.

## **SECTION 186-64. BITUMINOUS CURB**

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

## **SECTION 186-65. EXCAVATION DURING WINTER**

The Director of Public Works may at his discretion, deny any street opening permit if he feels in his 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. Said denial may be appealed within thirty (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 denial will create an undue hardship.

The Arterial Streets are Main Street, U.S. Route #1, Beach Street, North Street, Industrial Spur, and Bradley Street.

#### **SECTION 186-66. FACILITIES**

(a) No person or utility shall, without written permission of the City, install any facility, except manholes, vaults, valve casings, culverts, and catch at a vertical distance less than:

(1) Streets. Twenty-four (24) inches below the established flow line of the nearest gutter in street areas. If said flow line is not established, then the depth shall be at a minimum of twenty-four (24) inches below the surface of the nearest edge of the traveled portion of the street.

(2) Other public places. The minimum depth of any facility on any other public place shall be eighteen (18) inches below the surface; provided however, that the City may permit a lesser depth in special cases.

(b) Nothing in this section shall impose a duty upon the permittee to maintain said specifications as required herein upon subsequent changes in grade in the surface unless the grade in said facility interferes with the maintenance of, or travel on, a public street.

#### **SECTION 186-67. 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 be reasonably necessary to enforce and carry out the intent of this article.

#### **SECTION 186-68. MAINTENANCE OF DRAWINGS**

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 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 sixty (60) days after the completion date of construction.

#### **SECTION 186-69. LIABILITY OF CITY**

This article shall not be construed as imposing upon the City or 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 assurance of any permit, or the approval of any excavation work.

#### **SECTION 186-70. INSURANCE**

The permittee shall maintain during the life of this permit the following insurances 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, or by anyone directly or indirectly employed by either of them and the amounts of such insurances shall not be less than:

(1) Bodily injury liability insurance, in an amount not less than one million dollars (\$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 one million dollars (\$1,000,000) on account of one accident.

(2) Property damage insurance, in an amount not less than two million dollars (\$2,000,000) for damages on account of any one accident, and in the amount of two million dollars (\$2,000,000) for damages on account of all accidents.

#### **SECTION 186-71. EXCAVATION IN RECONSTRUCTED OR REPAVED STREET**

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 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 have sixty (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 (5) 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.

#### **SECTION 186-72. PENALTY**

Any person firm or corporation who violates any of the provisions of this article

shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars (\$25.00) and not more than one hundred dollars (\$100.00). Each day such violation continues shall constitute a separate offence.

If the work or any part thereof mentioned in the preceding sections of repairing or backfilling the trenches or excavations aforesaid shall 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 said expense incurred by said City with an additional amount of fifty (50) percent. 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.

Any person or utility who 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.

passed 8/20/84  
amended 04/18/00