

Town of Norridgewock
ROAD OPENING ORDINANCE

June 10, 2014

Section 1. Purpose.

The purpose of this Ordinance is to require a permit prior to construction work which involves excavating a public road and also to insure that such work is completed in conformance with generally accepted road construction standards.

Section 2. Authority.

This ordinance is enacted pursuant to State law, Title 30-A Section 3001.

Section 3. Permit Required.

Any person, firm, contractor or utility must obtain a Road Opening Permit prior to excavation of any town street and/or way by filling out a street opening application. This application will be made available at the Town Office.

After the application for the permit is completed, the contractor will review the area to be excavated with the Road Commissioner or his/her designee. The owner of the connecting property, as well as his/her contractor, jointly and/or severally shall be the responsible party.

Permits shall only be issued from April 1st to October 30th. Emergency work during the winter season (November 1st to March 31st) may be approved with a winter maintenance plan and fee.

Permits shall also be required for all new driveway entrances onto town roads. Please see the Town of Norridgewock, Road and Entrance Design Standards Ordinance for details.

Town of Norridgewock Departments shall be exempt from this ordinance.

Section 4. Fees and Deposits.

The Norridgewock Board of Selectmen shall have the ability to adjust the fees listed below at any time, as market conditions deem necessary, thus ensuring the appropriate level of protection for the Town of Norridgewock's public roads.

Fee

Before the permit is issued, a non-refundable administrative fee of fifty dollars (\$50.00) shall be paid to the Town of Norridgewock.

Deposit

For excavation and related construction work, the deposit fees shall be as follows:

Pavement Repair – 2.5" = \$ 10 per Square Foot
 3.0" = \$ 12 per Square Foot

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4.0" = \$ 14 per Square Foot

Curb Replacement	\$ 10 per Linear Foot
Driveway entrance	Same fee as State of Maine

**Large scale non-residential projects ~The contractor/owner can request that a portion of the deposit fee be covered by providing a performance bond in the amount of the work and establishing an escrow account in the amount, at minimum, of 10% of the work.

The deposit fees will be returned as provided for in Section 8 unless the contractor/owner decides to have the Town provide the pavement in which case the entire deposit amount will be retained.

An additional deposit shall be required for work completed during the winter season (November 1st to March 31st). This winter maintenance additional fee shall be \$5.00 per sq. foot of excavated area.

Quasi-municipal utilities: Norridgewock Water District shall be exempt from Deposit Fees but are required to pay the permit fee and any costs associated with project inspections.

Section 5. Insurance

The contractor/owner shall provide proof that proper insurance coverage is in place prior to the start of work. This would include but are not limited to General Liability, Property Damage, Workers Compensation, Auto Insurance and Public Liability Insurance of not less than \$500,000. All policies shall name the Town of Norridgewock as additionally insured.

Section 6. Excavation and Backfilling Requirements.

The following requirements must be adhered to unless exceptions or additions are noted on the permit:

- (1) Contractor will provide proper traffic and safety control at all times. The Town of Norridgewock may require a Traffic Control Plan.
- (2) The Town may require the contractor to hire a law enforcement agency for traffic control on certain town roads.
- (3) Unless otherwise approved, one-way traffic will be maintained at all times. With approval from the Road Commissioner, streets may be closed to all traffic for brief periods of time. On those occasions, the contractor/owner shall notify the Somerset County Communications Center, MSAD #54 Bus Garage if school is in session, and the Fire Chief.

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- (4) If work cannot be completed in one day, the contractor/owner shall be required to install and maintain barriers and warning devices necessary for the safety of the general public. The barriers and warning devices shall conform to the requirements of the latest edition of the Manual of Uniform Traffic Control Devices.
- (5) Pavement will be excavated by saw cutting along all lines.
- (6) Installation of any sewer lines shall be in accordance with the Town's Sewer Use Ordinance.
- (7) All backfilling of trenches or excavated areas shall be under the supervision of the Road Commissioner or their designee.
- (8) Excavated material, if suitable, may be used as backfill if approved by the Road Commissioner or designee.
- (9) The remainder of backfill shall be of granular material having stones no larger than four (4) inches in diameter and shall be compacted every twelve inch layer.
- (10) No pavement will be placed without prior approval of the Road Commissioner or designee, and shall match existing thickness or 3 1/2" of existing pavement. Whichever is greater.
- (11) Any adjacent or adjoining pavement damaged by contractor will be cut out and replaced as so directed by the Road Commissioner or designee.
- (12) It shall be the contractors (contractor/owner) responsibility to comply with the latest Occupational Safety and Health Administration (OSHA) standards for all construction work.

Section 7. Completion of Work

The contractor/owner will be required to execute and complete the work in a diligent manner. The completion date to shall be determined before permit issued. Completion dates may be extended, upon written request to the Road Commissioner due to inclement weather or unforeseen circumstances.

Section 8. Acceptance.

- (1) Except as noted in (2) below, upon review and acceptance by the Road Commissioner, and after 90 days from the completion of the work, 90% of the deposit shall be refunded. If any part of the work is found to be defective, the contractor/owner shall be given a 24 hour deadline to correct the problem(s). If the corrective work is not completed within

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that time period, the deposit shall be forfeited and the town authorized to complete the work.

- (2) To ensure quality of work and warranty of placed materials. All non-residential work meaning and intending work not for the benefit of a single private Norridgewock citizen will be subject to performance bonds and/or retainage of 20% of the deposit for a length of time equal to a minimum of 1 year from date of completion. Remaining 10% deposit to be returned upon review and acceptance by the Road Commissioner after the 1 year period.

Section 9. Exceptions.

Any emergency for street or road excavation shall not need an opening permit prior to work providing that the Emergency event occurs after hours. The Road Commissioner or such designee shall be notified as soon as possible, and the contractor/owner will secure an after-the-fact permit pursuant to the requirements of this ordinance.

Section 10. Penalty.

Any contractor/owner found in violation of this ordinance shall be subject to a fine of not more than two thousand dollars (\$2,000.00), exclusive of the town's costs and attorney's fees that shall be recoverable to the town. The Town of Norridgewock may, in addition to any civil penalties, costs, and attorney's fees, be paid all its resulting and compensatory damages, costs and expenses related to any violation of this article.

Section 11. Severability.

If any section, subsection, clause, paragraph, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed to be a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Whenever this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or any other ordinance, regulation or statute, the more restrictive provision shall control. This Ordinance is designed to complement applicable State laws and Town of Norridgewock Ordinances.

Section 12. Effective Date

This ordinance shall be effective upon adoption by the Town of Norridgewock and may be amended in accordance with the Town requirements for amending ordinances.

Effective Date: June 10, 2014