

ARTICLE 4 OPENING PERMIT ORDINANCE

Sec. 3-401 Authority and Purpose

The purpose of this ordinance is to require that all utility construction work that involves the excavation of a public road in Farmingdale shall be performed in conformance with generally accepted road construction standards and pursuant to a permit to be issued by the Town. This ordinance is enacted pursuant to the ordinance authority provided in 30-A M.R.S.A. Section 3001.

Sec. 3-402 Administration

1. Any excavation for any activity by any individual, firm or utility in the Town right-of-way shall require an Opening Permit approved by the Road Commissioner or a designated Agent. The applicant / permittee shall be jointly and severally responsible with the contractor for all work performed under the permit. In case of an emergency involving a public utility, the utility may excavate without a Permit. The utility shall obtain an Opening Permit as soon as possible upon knowledge of an emergency. Emergency excavation means immediate excavation necessary to prevent injury, death or loss of an existing vital service.
2. The application for an Opening Permit shall be made on a standard form available at the Town office. Reference Appendix A of this Article.
3. Opening Permits will not be issued from November 15 to April 15, except in an emergency as defined in paragraph "A" and as determined by the Road Commissioner or a designated Agent.
4. The applicant is responsible for obtaining all other necessary permits, including Dig Safe requirements. The Town of Farmingdale is not a member of Dig Safe and does not receive automatic notification from Dig Safe regarding excavations that have been submitted to the Dig Safe organization. The permittee must contact the Town of Farmingdale of the intended excavation and allow the same amount of time for its entity to mark out the respective utilities outlined in the Dig Safe process.
5. Each excavation within the Town Way shall be done in accordance with the Underground Facility Damage Prevention Requirements of the Public Utilities Commission Chapter 895 and State of Maine 23 MRSA Section 3360-A and shall be conducted in strict compliance with the latest OSHA, Federal, State and Local regulations for excavation
6. Any work performed without a road opening permit, or any other violation of this Ordinance, shall be punishable in accordance with 30-A M.R.S.A. Section 4452 and may be subject to penalties of not less than \$100 nor more than \$2500 per violation for each day that the violation continues.
7. Violators of this ordinance shall be denied future Opening Permits for a two year period.
8. Opening Permits shall not be issued: for a period of three (3) years for streets that have been improved with a pavement overlay of 5/8 inch or more and for five (5) years for streets of higher order than an overlay, such as: "reclaiming," "full depth base replacement," and "new street." If the applicant can show that the need for an Opening Permit could not have been reasonably anticipated before the street was paved, and has made an effort to consider alternate installation procedures, a Permit may be issued. For any Opening Permit issued within the time frame mentioned above, the

Public Property, Utilities and Solid Waste

Town of Farmingdale may make sufficient charge, over and above the normal opening charge to offset the cost of additional inspection and/or paving adjacent to the opening.

9. If work is done in the Town of Farmingdale on Saturdays, Sundays and holidays, an increased inspection fee of time and a half of the normal hourly rate will be charged. It is the responsibility of the applicant to assure that personnel are available to perform appropriate inspection activities before scheduling any work during those periods of time.
10. Opening Permits granted pursuant to this ordinance shall expire if substantial construction of the proposed installation is not completed within 12 months of the date of the Permit issuance as determined by the Road Commissioner.

Sec. 3-403 Fee

1. Before a permit may be issued, an administrative fee shall be paid to the Town of Farmingdale as follows: Applicable fees are noted in Appendix 1.
 - A. Culvert Installation
 - B. Road Cut
 - C. Road Cut and Sewer Installation
2. For all excavation and related construction work, a deposit fee shall be paid to the Town of Farmingdale, as follows:
 - A. Pavement repair
 - B. Curb Replacement
 - C. Graveled shoulders
3. If the excavation and related construction work is determined by the Road Commissioner to be satisfactory, an amount equal to fifty (50 %) per cent of the deposit fee shall be refunded to the applicant. If any portion of the work is found to be defective, the applicant shall sacrifice any refund and be given a 48 hour notice to repair the problem. If the corrective work is not completed within that time period, the Town of Farmingdale shall be authorized to complete the work. Should this action be necessary, the Town shall bill the contractor all direct costs plus a double permit fee.

Sec. 3-404 Standards

1. At a minimum, one way traffic shall be maintained at all times, unless otherwise approved by the Road Commissioner for a brief period during normal working hours or approved in extraordinary circumstances. The applicant will be responsible for traffic control: all signs, flag persons and other necessary devices shall conform to the latest edition of the "Manual on Uniform Traffic Control Devices" (MUTCD) published by the Federal Highway Administration. The applicant shall notify the Board of Selectmen, Fire Chief, Chief Constable, Gardiner Public Safety, the local school district and the residents of the street a minimum of four (4) days in advance of the anticipated one-way traffic. If the work cannot be completed in one day, the applicant shall be required to install and maintain barriers and warning devices for the safety of the general public in conformance with the latest edition of MUTCD.
2. All construction work shall comply with the latest Occupational Safety and Health Administration (OSHA) standards.
3. Pavement shall be excavated by saw or blade cutting along all lines.

Public Property, Utilities and Solid Waste

4. All backfilling of excavated areas shall be under the supervision of the Road Commissioner or a designated Agent.
5. Excavated material may be used as backfill to eighteen (18) inches below the bottom of pavement if approved by the Road Commissioner or a designated Agent.
6. Backfill material shall be uniformly distributed in layers of not more than eight (8) inches and thoroughly compacted by use of approved mechanical compactors before successive layers are placed. All material excavated from trenches shall be piled and maintained in a safe manner so as not to obstruct or endanger workers, pedestrians, or passing vehicles.
7. The remaining eighteen (18) inches of backfill shall be of granular material meeting the specification set forth in Section 3-1 05(3)(B) and shall be compacted every eight (8) inch layer.
8. Saw or blade cutting along all lines shall be required prior to finish paving. All replacement of existing pavement shall be a minimum of three (3) inches thick. A coating of emulsified asphalt shall be applied immediately before paving all joints to the vertical face. Gravel shoulders shall be brought level with the existing grades with coarse gravel or equivalent material. Surfaces outside the pavement line but within the right-of-way shall be filled to existing grade. Lawn surfaces within the right-of-way shall be finished with four (4) inches of loam, raked, seeded and rolled.
9. Surplus material shall be removed from the site and the area shall be left in a clean, presentable condition.
10. Temporary surface shall consist of a minimum of 1 1/2 inches of Hot Mix Asphalt course base placed over gravel in paved areas. When hot bituminous is not available, three (3) inches of cold patch may be used. The temporary surface shall be maintained by the Applicant until hot bituminous material is available to the extent required by the Road Commissioner and shall be replaced at the earliest availability.
11. When a trench is cut into the roadway pavement and completed according to these Standards, after at least fifteen (15) and no longer than forty-five (45) days, the permitted applicant will come back to the cut area and grind the existing pavement down (1 1/2) one and one half inch, two (2) feet from the vertical edge of a cross trench and one (1) foot from the vertical edge of a longitudinal trench. The ground area shall be coated with emulsified asphalt and be repaved with a Hot Mix Asphalt surface course as specified in Chapter 3, Article 1, Section 3-108. All paving shall be completed prior to November 15 date. Reference Appendix A "Typical Trench Repair Detail" of this Article.
12. When multiple patches are required in a distance of seventy-five (75) feet or less the applicant shall be required to grind a minimum of 1.5" inches and overlay the entire area including between the excavations and shall repave as one trench. In cases where the existing pavement is in poor condition the Road Commissioner may modify or waive this requirement.
13. The minimum depth of cover for any utility within the Town right-of-way is thirty six (36) inches.
14. All pits associated with Trenchless Installation Methods shall be located as far from the edge of pavement as possible. Pits shall be located and constructed so as not to compromise public safety or the integrity of the street structure footings. The bottom of all pits shall, at a minimum, be located beyond a line created by a 1: 1.5 slope projected down from the edge of pavement.

Public Property, Utilities and Solid Waste

15. Installation of any sanitary sewer lines or storm drains shall be performed in accordance with the Town of Farmingdale Code of Ordinances.

Sec. 3-405 Inspection, Guarantee and Insurance

1. Work shall not start without an approved Opening Permit. The applicant shall provide at least three (3) business days of advance notice for the following phases of the work:
 - A. Start of work.
 - B. Prior to start of backfilling
 - C. Prior to start of paving.
2. The determination of the acceptability of the work shall be at the discretion of the Road Commissioner or a designated Agent.
3. The applicant guarantees that all work shall be free from defects in workmanship or materials for six (6) months after completion of the work. If any settlement, cracking, pavement deterioration or other defects occur; the applicant shall promptly repair all defects at no expense to the Town. If the applicant fails to timely repair defects, the Town will cause such repairs to be made with the cost to be billed to the applicant.
4. The applicant shall provide and maintain liability insurance coverage for Liability and Property Damage of \$400,000 aggregate.

Sec. 3-406 Severability

If any portion of this Ordinance shall be held by a court to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Sec. 3-407 Ordinance in Force

This Ordinance shall be in full force and effect from and after its passage as provided by State of Maine applicable laws.

Effective: March 28, 2009.

Revised: December 10, 2011

Revised: June 28, 2014