



# Code of Ordinance Town of Old Orchard

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## ARTICLE III. STREET DIVISION 3 EXCAVATIONS

### Subdivision I In General

Sec. 50-146. Effect of noncompliance.

If for any reason there is noncompliance with this division, by the applicant, of the specifications established by the town, the foreman of public works shall direct that the repair work be done at the expense of the applicant.

(Ord. of 9-18-1984, § IV)

Sec. 50-147. Temporary resurfacing of trench.

Temporary resurfacing of a trench excavation shall be completed within 48 hours of the initial excavation. A 12-inch aggregate sub-base to be compacted in six-inch loose depths shall be installed. Existing surfaces of the pavement shall be cleaned, which will be bonded to the temporary pavement. Material shall consist of three-inch grade B hot bituminous concrete or bituminous cold mix during winter months. Temporary pavement shall be maintained smooth and free from potholes to a required grade for a period of 30 days. Temporary pavement areas shall be periodically inspected and repaired as necessary, especially during winter months when temporary pavement remains in place for an extended period. The public works director shall have the authority to order repairs done by the contractor to areas which, in his opinion, are in unsatisfactory condition.

(Ord. of 9-18-1984, § I(d); Ord. of 3-4-1986)

Sec. 50-148. Permanent resurfacing of pavement.

Permanent resurfacing of a pavement excavation shall be completed within 30 days of the initial excavation. Existing paving shall have edges sawed to provide a vertical bonding face. Existing paving and surface material so cut shall be removed and replaced with a 12-inch aggregate, sub-base in six-inch loose depth lifts. A tack coat shall be applied to the cut edges, and a two-inch binder course shall be placed over the entire excavated surface and roller compacted. A one-inch state mix shall be applied over the entire excavated surface and roller compacted. All aggregates shall conform to section 704 of state department of transportation specifications. All bituminous hot or cold concrete shall conform to section 702 of state department of transportation specifications.

(Ord. of 9-18-1984, § I(e); Ord. of 12-18-1984; Ord. of 3-4-1986)

Sec. 50-149. Traffic control.

If, in the judgment of the foreman of public works, traffic control is necessary for an excavation, the applicant for the permit required in subdivision II of this division shall, at his cost, provide such control as may be required.

(Ord. of 9-18-1984, § I(g); Ord. of 12-18-1984)

Secs. 50-150--50-170. Reserved.

### Subdivision II. Permit

Sec. 50-171. Required.

It shall be unlawful for any person to dig up, excavate, tunnel, undermine, or in any manner break up any street or to make or cause to be made any excavation in or under the surface of the street for any purpose or to place, deposit, or leave upon any street any earth or other material obstructing or tending to interfere with the free use of the street, unless such person shall have first obtained an excavation permit from the public works department.

(Ord. of 9-18-1984, § I(a))

Sec. 50-172. Application.

(a) No excavation permit shall be issued unless a written application for the issuance of the permit is submitted to the director of public works.

(b) The application shall state the following:

- (1) The name and address of the applicant;
  - (2) The nature, location and purpose of the excavation;
  - (3) The date of commencement of the excavation; and
  - (4) The date of completion of the excavation.
- (c) The application shall be accompanied by a plan showing the extent of the proposed excavation work, including its location and the dimensions and elevations of the proposed excavated surfaces and such other information as may be reasonably required by the foreman of public works.
- (d) The application shall be accompanied by proof of notice to the utilities as provided in 23 M.R.S.A. § 3360-A(3). (Ord. of 9-18-1984, § II; Ord. of 12-18-1984)

**Sec. 50-173. Fees.**

- (a) A deposit shall accompany each written application for an excavation permit and shall be posted and held by the town treasurer until the applicant has complied with all specifications of this division. The deposit shall be in the form of a certified check made payable to the town according to the rates specified in the schedule of license, permit and application fees in appendix A of this Code. The deposit shall be forfeited to the town if the foreman of public works determines that the repair work is not properly accomplished within the specified time period.
- (b) An application fee as specified in the schedule of license, permit and application fees in appendix A of this Code shall be paid for each issuance and renewal of the excavation permit.
- (c) Public utilities or districts may be exempt from posting a deposit only at the discretion of the public works foreman. (Ord. of 9-18-1984, § III; Ord. of 12-18-1984; Ord. of 3-4-1986; Ord. of 9-19-1995; Ord. of 4-1-2003, § 2)

**Sec. 50-174. Dates limited.**

Excavation permits shall only be issued from April 1 to October 31 unless an emergency or special situation exists. A written explanation shall be submitted to the foreman of public works notifying him of the special situation or emergency prior to the issuing of a permit during the months of November 1 through March 31. (Ord. of 9-18-1984, § I(b); Ord. of 12-18-1984)

**Sec. 50-175. Starting date.**

Excavation work must be started no later than 30 days from the date of issuance of the excavation permit. After the expiration of the 30-day period, such excavation permit shall become null and void and shall be renewed. (Ord. of 9-18-1984, § I(c))

**Sec. 50-176. Moratorium after reconstruction.**

A three-year moratorium, except for emergency or special situations, on the issuance of any excavation permit is in effect after the completion of a newly reconstructed roadway. (Ord. of 9-18-1984, § I(f))