

**ROAD OPENING ORDINANCE**  
**Town of Oakland, Maine**  
**As amended June 14, 2006**  
**As amended October 8, 2014**  
**As amended March 9, 2016**

**Section 1. Purpose.**

The purpose of this Ordinance is to require a permit prior to construction work which involves excavation within a public road or public right of way and also to ensure 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 street 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 Public Works Director 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 1<sup>st</sup> to October 30<sup>th</sup>. Emergency work during the winter season (November 1<sup>st</sup> to March 31<sup>st</sup>) may be approved with a winter maintenance fee.

Permits shall also be required for all new driveway entrances onto town roads. For entrances, which require a culvert, the property owner will meet with the Public Works Director prior to commencement of any work. The property owner will be responsible for purchase of the culvert and the town will provide

installation. If purchased through the town, full payment of the culvert must be received prior to installation.

#### **Section 4. Fee and deposit.**

Before the permit is issued, an administrative fee of twenty-five dollars (\$25.00) shall be paid to the Town of Oakland. For excavation and related construction work, a deposit fee shall be calculated based upon the following schedule:

Pavement Repair- 2.5" = \$ 35 per Square Yard  
3.0" = \$ 45 per Square Yard  
4.0" = \$ 50 per Square Yard

Curb Replacement- \$ 20 per Linear Foot

Driveway entrance- same fee as State

Gravel Shoulder- \$10 per Square Yard

Non-gravel or Non-pavement areas - \$6 per Square Yard

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

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

#### **Section 5. Insurance**

The permittee shall provide proof that property insurance coverages are in place prior to the start of work. This would include public liability insurance of not less than \$2,000,000 and property damage insurance of not less than \$1,000,000.

## **Section 6. Excavation and backfilling requirements.**

The following requirements will 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 may require the contractor to hire the Police Department or another law enforcement agency for traffic control on certain town roads.

(2) Unless otherwise approved, one-way traffic will be maintained at all times. With approval from the Town Manager, streets may be closed to all traffic for brief periods of time. On those occasions, the permittee shall notify the Police and Fire Chiefs.

(3) If work cannot be completed in one day, the permittee 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.

(4) Construction that occurs within existing pavement areas shall be required to have the pavement pre-cut prior to any excavation to minimize the damage to the existing pavement with the exception of emergencies.

(5) Installation of any sewer lines shall be in accordance with the town's Sewerage Ordinance.

(6) All backfilling of trenches or excavated areas shall be completed under the supervision of the Public Works Director.

(7) All backfill material shall be compacted to a density of 95% of the optimum laboratory density.

(8) Excavated material may be used as backfill if approved by the Public Works Director. Backfill material that is considered unsuitable (for example, backfill material that is too wet to compact) shall not be used as backfill material.

New backfill material shall be provided by the Contractor to replace the unsuitable material at no cost to the Town.

(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. The gravel depth shall be consistent with the existing depth found at the site location. Sub base gravel and Base Gravel materials shall meet the standards as defined in the Town of Oakland Minimum Street Requirements Ordinance.

(10) Contractor shall square cut all pavement broken edges and cracked pavement surfaces damaged or disturbed by construction. The Contractor shall coordinate with the public Works Director in order to paint out the lines for square cutting of the existing pavement to prepare for repaving of excavated/disturbed areas.

(11) Contractor shall grind a minimum of 12 inches on either edge of the trench or disturbed area based upon input from the Public Works Director. The depth of this grinding shall be 1 inch deep. The purpose of this edge grinding will be to create a shiplap joint between the existing pavement and new pavement surface. Base pavement meeting the standards in the Town of Oakland Minimum Street Requirements Ordinance shall be installed in the square cut trench/disturbed areas. Surface pavement meeting the Minimum Street Requirements Ordinance shall be installed in the disturbed area and beyond the square cut edge to fill in the areas that were ground.

(12) Contractor shall install bituminous tack material, meeting the latest standards of Maine Department of Transportation Technical Specification, on all vertical and horizontal edges of existing pavement surfaces where new asphalt pavement is to be installed.

(13) No pavement will be placed without prior approval of the Public Works Director, and shall not be less than the thickness of existing pavement.

(14) Any adjacent or adjoining pavement damaged by contractor will be replaced as so directed by the Public Works Director.

(15) It shall be the contractors (permittee) responsibility to comply with the latest Occupational Safety and Health Administration (OSHA) standards for all construction work.

### **Section 7. Completion of Work**

The permittee will be required to prosecute and complete the work in a diligent manner but in no case longer than 7 days from the start of construction.

### **Section 8. Acceptance.**

Upon completion of the construction activities and reclamation of all areas (pavement, gravel shoulder and other areas) disturbed by construction, the Contractor shall meet with the Public Works Director or his/her designee to measure all final disturbed areas. Once these final measurements are complete, and the Public Works Director has accepted the repairs, the final opening permit amount will be calculated based upon the measurements described above. 90% of the final opening permit amount will be refunded to the applicant within 30 days of the final opening permit determination. If any part of the work is found to be defective, the permittee/contractor shall be assigned a reasonable period of time to correct the problem(s). If the corrective work is not completed within the assigned period, the Town shall reserve the right to hire their own contractor to complete the repairs and use the deposit fee funds to pay for this work. Any funds not used to repair/replace the disturbed areas of the project shall be returned to the applicant, with the exception of the 10% withheld from the final deposit fee amount.

### **Section 9. Exceptions.**

Any emergency for street or road excavation shall not need an opening permit prior to work providing that such work occurs after hours. The Public Works Director 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 article.

### **Section 10. Penalty.**

Any contractor or owner found in violation of this article 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 Oakland 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.

### **Section 12. Effective Date**

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