

**TOWN OF HAMPDEN, MAINE
STREET OPENING/UTILITY CONNECTION ORDINANCE**

Adopted: Hampden Town Council, 04/19/2016
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CERTIFIED BY:



Paula Scott, Town Clerk

Affix Seal

**TOWN OF HAMPDEN, MAINE
STREET OPENING/UTILITY CONNECTION ORDINANCE
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TOWN OF HAMPDEN

STREET OPENING/UTILITY CONNECTION ORDINANCE

**SECTION I
CONFLICTING ORDINANCES**

1.1 Repeal Of Conflicting Ordinances or Resolves – All ordinances and resolves or parts thereof in conflict with this ordinance or inconsistent with the provisions of this ordinance are hereby repealed.

**SECTION II
PERMITS REQUIRED**

2.1 Street Opening Permit – It shall be unlawful for any person, firm or corporation to tunnel under or to make any excavation in any street, alley or other public place in the Town without first obtaining a street opening permit from the Hampden Public Works Department. All permits will be issued in accordance with the provisions of Title 23, Chapter 307, Subchapter II of the Maine Revised Statutes Annotated.

- 1) The permit will be issued by the Hampden Public Works Department.
- 2) A standard construction detail and instructions will be issued with the permit. All work shall conform to the requirements of the standard detail and instructions.
- 3) The permit must be obtained by the contractor or utility company doing the work.
- 4) Certain roads within the Town of Hampden also require a highway opening permit issued by the Maine Department of Transportation. The Public Works Department will maintain a listing of such streets.

2.2 Sewer and Storm drain Connection Permits - All new or replacement sanitary sewer or storm drain connections to town mains shall be subject to all of the regulations set forth hereinafter relative to private utility connections, except that prior to the issuance of said permit, the payment of any outstanding assessments for the town sewer construction will be required in addition to the permit fee.

2.3 Limitations

- 1) No street opening permit will be issued between December 1 in any one year and April 1 in the following year except for an emergency.
- 2) Permits will require the contractor to maintain temporary trench repair until such time as a permanent repair can be made.
- 3) The contractor shall only perform any work requiring inspection weekdays (7:30 a.m. to 5:00 p.m.), unless an emergency situation requires otherwise. The town will bill the contractor for additional inspection costs for inspections outside these hours in accordance with the fee schedule herein.
- 4) The contractor shall schedule work within the street to avoid rush-hour traffic whenever possible.
- 5) Prior to obtaining a street opening permit from the Town, the contractor shall provide the Town with a Dig-Safe number and must contact utilities not participating in the Dig-Safe program.

SECTION III CONTRACTORS

3.1 Approved Contractors - All work in connection with the excavation and backfill of any opening in a public way shall be performed only by approved contractors or by the forces of the particular utility concerned. Adequate equipment shall be employed so as to expedite the completion of the work, and proper construction methods shall be used, as hereinafter described.

3.2 Insurance - The contractor doing the work shall show proof of adequate insurance coverage before a permit is issued.

3.3 Unsatisfactory Construction - Contractors with a work history of two unsatisfactory similar type street opening or utility connection projects within the previous 18 months, in the opinion of the Public Works Director, or having an outstanding balance related to a previous street opening permit, will not be issued a street opening or utility connection permit.

SECTION IV INSPECTIONS

4.1 Inspections - All work in connection with street openings and utility connections will be subject to the inspection and approval of the Public Works Director (Director) or his or her authorized representative. The Director will decide as to the adequacy of the materials to be used, extra safety precautions which may be required to protect the public and the scheduling of the work to be performed. No backfilling operations shall be allowed prior to the examination of the work by the Director.

4.2 Notification - The contractor shall provide timely notification to the Town in order that inspection services can be scheduled for the appropriate time.

SECTION V STREET OPENINGS; SCHEDULE OF CHARGES

5.1 Openings by Utility Companies

- 1) Utility companies will be required to obtain separate permits for each street opening within accepted public rights-of-way. The utility company shall be responsible for performing all backfill operations, including the replacement of roadway gravel, temporary patching of the surface, and the permanent surface pavement.
- 2) The Town reserves the right to inspect the work undertaken by utility companies and to charge an inspection fee according to the schedule of charges.

5.2 Openings by Private Entities - A contractor representing any person, firm or corporation desiring to open any portion of a public way for the purpose of installing, repairing, replacing, examining or attempting to locate any private utility connection must first obtain a permit from the Director. Prior to the issuance of said permit, the applicant shall pay to the Town of Hampden for inspection services in accordance with the schedule of charges contained herein. The applicant will be responsible for all work, including temporary pavement and the permanent paved surface. No backfilling shall be allowed without the prior examination of the work by the Director or

representative. Trenches backfilled without the Engineer's approval will be subject to the corrective work outlined in Section IX herein.

5.3 Schedule of Charges

- 1) The amount to be paid for a street opening/utility connection permit will be based upon the following inspection fee schedule:

TYPE OF FEE	FEE
Standard Permit Fee	\$50.00
Weekend Work Permit Fee	\$210.00
After the Fact Permit Fee	\$420.00
Additional Inspection Costs	Actual Labor Expense plus Town Overhead

- 2) The Director may waive the weekend work and after the fact permit fees for utilities that open streets in cases of emergencies without first obtaining a permit.

**SECTION VI
EXCAVATING AND BACKFILLING**

6.1 Protective Measures

- 1) It shall be the duty of every person cutting or making an excavation in or upon any public place to place 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.
- 2) Appropriate measures shall be taken to assure that, during the performance of the excavation work, traffic conditions as 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. If it becomes necessary to close the street to traffic to permit the work, prior approval of said closing shall be obtained from the Director. The contractor shall be responsible for notifying the Hampden Police and Fire Departments concerning the closing.
- 3) The work shall be conducted in such a manner so as to prevent damage to adjacent property, and should such damage occur, the property shall be restored to its original condition, as directed by the Director. The excavated materials shall be placed in a location so as not to endanger those working in the trench, pedestrians or users of the street.
- 4) It shall be the contractor's responsibility to comply with the latest Occupational Safety and Health Administration (OSHA) requirements that may apply to the work.

6.2 Excavating

- 1) It shall be unlawful to make any such excavation or tunnel in any way contrary to or at variance with the terms of the permit.
- 2) Prior to any excavation work, all surface pavement shall be cut to full depth by an approved method.
- 3) Proper bracing or shoring shall be maintained to prevent the collapse of adjoining grounds, and the excavation shall not have anywhere below the surface any portion which extends beyond the opening at the surface. Care shall be taken so as not to damage existing pipes, cables or conduits in the making of such excavations or tunnels, and notice shall be given to the persons maintaining any such pipes, cables

or conduits, or to the city department or officer charged with the care thereof, which are or may be endangered or affected by the making of any such excavation or tunnel before such pipes, cables or conduits shall be disturbed. No unnecessary damage or injury shall be done to any tree or shrub or to the roots of any tree or shrub.

6.3 Backfilling

- 1) Whenever a permit has been issued for a street opening or utility connection and the excavation has been made, the trench or opening shall be backfilled in accordance with the details issued with the permit.
- 2) Flowable fill will be required for backfill of cross trenches and openings within the street zone of major streets, or as conditions may require, as determined by the Director when the permit is issued.
- 3) No organic material, pavement or stones greater than six inches in diameter shall be present in the backfill.
- 4) Replace to twenty-one-inch depth, or match existing base depth, whichever is greater, with gravel conforming to the latest Maine Department of Transportation specification for gravel base.
- 5) If a permit is issued during the freezing weather conditions, frozen backfill will not be allowed in the trench.
- 6) If the material excavated contains too much moisture for proper compaction, it shall be removed and replaced with suitable backfill material with similar characteristics of native soil excavated.

6.4 Compaction of Backfill Material

- 1) All backfill shall be thoroughly compacted by equipment designed specifically for that purpose.
- 2) The first six inches of fill over the structure or pipe in the trench shall be compacted. The balance of the backfill shall be placed in layers not exceeding 12 inches and thoroughly compacted.
- 3) All material excavated from the trench shall be replaced in the trench, except for the amount which may be displaced by the installation of gravel base, pipe/utility or crushed stone surround.
- 4) All backfill shall be compacted to meet at least 90% of total compaction as measured by the proctor test in grass areas and to 95% of total compaction in pavement areas.

**SECTION VII
REPLACEMENT OF SURFACE MATERIAL**

7.1 Bituminous Paving on Flexible Base

- 1) When a street opening permit is issued on a street which has been constructed for heavy traffic and has a bituminous surface without a cement concrete base, the same amount of gravel shall be replaced in the trench as is removed when the excavation is made where this material exceeds the twenty-one-inch depth as specified in Section 6.3.
- 2) After the gravel base has been placed and before the permanent bituminous wearing surface is placed, the existing bituminous surface shall be cut back an additional 12 inches on all sides with a pavement saw or milling machine, and the cut edges shall be painted with bituminous tack before the new bituminous paving is placed.

Bituminous paving shall be performed in accordance with MDOT Standard Specifications for Highways and Bridges.

7.2 Temporary and Permanent Surfacing

- 1) The contractor to whom a street opening permit has been issued shall provide a temporary patch (coldpatch) of the street opening, generally within 24 hours after the trench has been backfilled and compacted according to the requirements contained in Section 6.3 and 6.4.
- 2) The temporary patch shall be made using premixed bituminous material (coldpatch), which shall remain in place until the permanent patch has been installed.
- 3) Within 30 calendar days from the date of trench backfill, but not later than November 1, the contractor shall provide permanent pavement replacement in accordance with Section 7.1 and the detail sheet provided with the permit. For emergency winter work, the permanent trench repair must be completed by June 15.

7.3 Restoration - The contractor shall restore all areas of disturbance, including stone curb, esplanades and gravel surfaces, including shoulders, sodded areas, shrubbery fencing, ditches, etc., to the condition prior to construction.

7.4 Warranty - The contractor or utility shall correct any deficiencies in the trench or pavement for a period of one year from completion of the work authorized by this permit.

**SECTION VIII
UTILITY CONNECTIONS**

8.1 Connections - All work relative to connecting a building drain or yard drain to a town main shall be performed by an approved contractor, only under the direct supervision of the Director or authorized representative.

8.2 Damage - If the Town main is damaged or broken by the contractor, then the damaged or broken section of main will be removed and replaced at no cost to the Town by the contractor under the supervision of the Director.

8.3 Connection Devices - Any tap to a public sewer or storm drain shall be made and an approved connection device installed in the presence of the Public Works Director or his or her authorized representative

8.4 Connections to Manholes - Connections to manholes, wet wells or other structures shall be prohibited unless approved by a representative of the Director. If approval is given, the structure must be cored and a watertight boot installed at the location indicated by the Director as referred to in Article IV of the Sewer Ordinance.

**SECTION IX
VIOLATIONS AND PENALTIES**

9.1 Replacement of Defective Work

- 1) If any part of the work specified above relative to repairing or filling the trenches or excavations shall be unskillfully or improperly done, the Director or his or her representative may direct that the work be re-excavated and replaced in a proper manner or that other corrective action shall be taken to properly repair the trench and the pavement surface.
- 2) If the applicant does not repair the defective work within 24 hours of notice, then the Director will act to have the work performed by the Town, and the applicant shall pay a penalty equal to the whole of said expense incurred by the Town, with a surcharge of 50%. No additional permits will be issued to the contractor until this cost has been paid in full.
- 3) The contractor shall be responsible for the work and shall hold the Town harmless from any claims resulting from the work.

9.2 Violations

- 1) Any person, firm or corporation who or which shall dig or make an excavation in any portion of the public way or make connection to a public sewer or storm drain without first obtaining a permit shall be required to pay an after the fact permit fee of \$420.
- 2) Additionally, any person, firm or corporation who violates the provisions of this article shall be liable for a civil penalty of not less than \$100 for each offense. Each day shall constitute a separate offense. Such fine may be levied against the contractor.



Town of Hampden
Street Opening / Utility Connection Permit

Permit # _____
Date: _____
Phone: _____
Fax: _____

Dig-Safe Number: _____ Proof of Insurance: _____

Work Information

Street Address: _____ Requested Address: _____
Lot Location: _____ Type: _____
Type of Work: _____
Work Explanation: _____
Dig-Safe Start Date: _____ Dig-Safe End Date: _____

Contractor Information

ID: _____ Company: _____ Phone: _____
Contact Person: _____ Emergency Phone: _____
Contractor Address: _____

Owner Information

Owner Name: _____ Phone: _____
Owner Address: _____

Signature: _____

By signing above, I acknowledge that I have read and understand the "Instructions for Contractor" Form and reviewed the backfill requirements diagram and acknowledge that I have read the Town Ways and Street Opening and Utility Connection Ordinance for the Town of Hampden.

Permit Issued By: _____ Fee: _____

Special Requirements

Engineer: _____

Comments: _____

The standard permit fee is \$ 50.00. A weekend work permit fee is \$210.00. Any contractor who applies for a permit after the fact, will be charged a \$420.00 fee. The permit is granted subject to the provisions of Title 23, Chapter 307, and Subchapter II of Maine Revised Statutes Annotated.

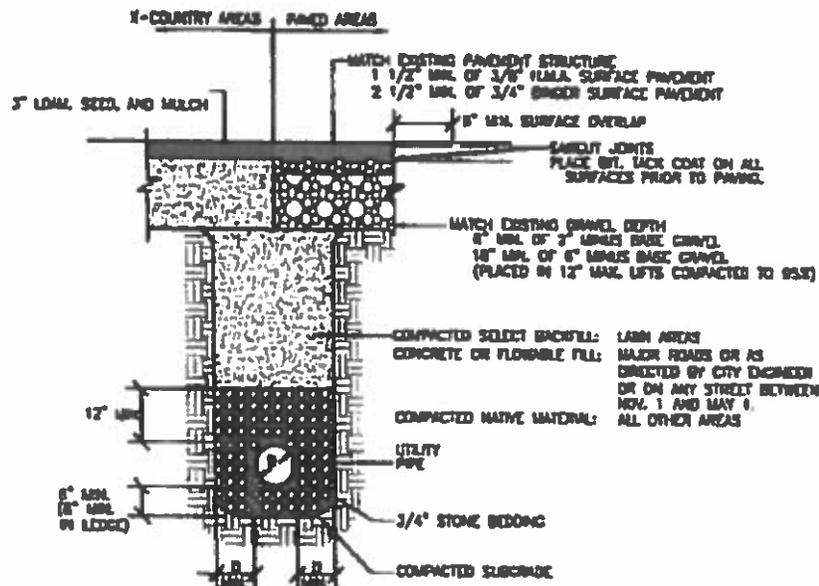


Instructions for Contractors & Backfill Requirements

1. No permit shall be issued without a Dig Safe number and proof of liability insurance. By signing this permit the contractor certifies that all utilities have been contacted and that the contractor is financially responsible for any and all utility disruptions. A copy of the permit must be available for inspection at the excavation site.
2. Contractor must comply with OSHA regulations, MUTCD work zone requirements and all applicable state, local and federal regulations.
3. Contractor must notify emergency responders prior to setting up lane closures or blocking any town road.
4. The Hampden Public Works is not responsible for locating or marking sewer or storm connections. Contractor shall not rely on any such town marking activities. Contractor is responsible for locating and marking such connections.
5. New sewer and drain connections must be made with approved connection devices and inspected by Hampden Public Works. Contact Hampden Public Works Department a minimum of 24 hours prior to excavation for approved connection devices and 24 hours prior to backfilling to schedule utility and backfill inspections.
6. Backfill shall consist of clean excavated material or clean material hauled onsite containing no frozen or perishable material and with no rocks greater than 6" in size. Material shall be approved by the Road Commissioner prior to commencing backfill.
7. Backfill shall be placed in 12" maximum lifts and compacted to 95% using proper compaction procedures.
8. Flowable fill shall be 1500 psi minimum or as directed by Hampden Public Works Director.
9. Provide 2" of rigid insulation for utilities buried less than 5' deep and 4" of rigid insulation for utilities buried less than 3'.
10. Trench shall have temporary or permanent pavement within 24 hours of being backfilled (48 hours maximum weekends and holidays). Finish pavement shall be placed within 30 calendar days.
11. Contractor shall be responsible for replacement of brick sidewalks, concrete sidewalks and curbing according to Hampden Public Works Director.
12. The Town of Hampden Street Opening/Utility Connection Permit is issued in accordance with Article II, section 2.12 of the Town Ways Ordinance and the Street Opening and Utility Connection Ordinance. Fees and construction requirements identified by the Hampden Water District or other independent utilities may also apply.

Contact Information

Dig Safe	PH: 811 (1-888-344-7233)	1-888-dig-safe
Public Works	PH: 207-862-3337 207-478-8396	FX: 207-862-5067
Water District	PH: 207-862-3490	FX: 207-862-3595
Police/Fire	PH: 207-862-4000	FX: 207-862-4588



TRENCH DETAIL