

# **TOWN OF FRYEBURG**

## **STREET OPENING ORDINANCE**

### **SECTION 1. TITLE**

- A. This ordinance shall be known as the “Town of Fryeburg Street Opening Ordinance”.

### **SECTION 2. AUTHORITY**

- A. This ordinance is adopted under the general authority granted pursuant to and consistent with Article VIII-A of the Maine Constitution and Title 30-A Section 3001 (Home Rule).

### **SECTION 3. PURPOSE AND APPLICABILITY**

- A. The purpose of this ordinance is to promote the safety and general welfare of the community, and to protect public infrastructure from undue adverse impacts by ensuring all work in Town streets and rights-of-way are properly constructed and to ensure that the appropriate public officials are notified in advance of such work.
- B. This ordinance does not apply to work done on state highways (Route 5, Route 113, and Route 302) or on private roads within the Town of Fryeburg.

### **SECTION 4. APPLICATION REQUIREMENTS AND PROCEDURES**

- A. Permit Required: Before any construction involving excavation in a Town road or right-of-way may take place, the contractor shall prepare and submit a Street Opening Permit Application, and receive a Street Opening Permit from the Road Commissioner.
- B. Application Form: Applications for Street Opening Permits shall be made on a form available at the Town Office.
- C. Application Review: The Road Commissioner shall review the application for compliance with this ordinance and shall approve the application within 72 hours of receipt of the application. The Road Commissioner may attach special conditions to the permit, if deemed necessary to ensure compliance with this ordinance or to maintain public safety.
- D. Inspections: The Road Commissioner, or their designee, may at any time, inspect the work conveyed by the Street Opening Permit.
- E. Application Fee: The fee for the Street Opening Permit shall be set by the Select Board.

## **SECTION 5. PERFORMANCE STANDARDS**

- A. During all times when the Contractor is working in a Town street or right-of-way, proper traffic control must be maintained. The Manual on Uniform Traffic Control Devices (MUTCD) shall be the standard applied to traffic controls.
- B. If applicable, proper trenching techniques shall be used during all excavations, in accordance with Occupational Safety and Health standards and guidelines.
- C. All backfill material shall be thoroughly compacted. The top of the trench shall be of a clean gravel processed to a graduation of no larger than three inches and be of a thickness equal to the present base but under no circumstances be less than twelve inches after compaction.
- D. All asphalt removed is to be removed from the work site and disposed of at an approved disposal facility. The opening shall be squared and repaved using two inches of binder with one inch of surface mix or greater, to match existing pavement depth. Mix design shall meet all Maine DOT specifications.
- E. The permittee assumes responsibility for the site during construction and for a period of two years from the date of completion. Should a problem arise, it will be the sole responsibility of the permittee to take all corrective measures deemed necessary by the Road Commissioner. Street construction is to be completed as soon as practical in order to prevent unnecessary hazards to the public.
- F. All surplus material and construction debris must be removed from the work site before the contractor completes demobilization activities.
- G. A minimum of one-half of the travel width shall be open to traffic at all times.

## **SECTION 6. ENFORCEMENT AND PENALTIES**

- A. At the request of the Road Commissioner, the Code Enforcement Officer shall issue a stop-work order if a contractor fails to adhere to the requirements of this ordinance.
- B. Whomever willfully violates the provision of this ordinance shall, upon conviction, be penalized in accordance with Title 30-A MRSA Section 4452.

ATTEST: Theresa Shaw  
Town Clerk