

# **Road and Sidewalk Opening Policy**

12-06-2022

Town of Bar Harbor

The following provisions must be complied with and are agreed to by the Town of Bar Harbor and any permittee before construction begins.

## **1. Permit Required**

No excavation of a Town sidewalk, road or other public way shall be made without a Road Opening Permit and corresponding Dig Safe number. However, in an emergency the road may be opened to make repairs, after notification of the Police Department Dispatcher. The Police Department shall notify the Public Works Department on the next business day. The person opening the road shall apply for a permit on the first business day following the opening.

## **2. Acceptance of Requirements**

Commencement of excavation for which a Road Opening Permit is issued will constitute complete acceptance of these provisions.

- A. **Application** – Permits must be obtained from the Public Works Director.
- B. **Permittee** – All permits shall be issued in the name of the contractor doing the work, unless the owner elects to do his own work.
- C. **Application Fees** – A fee is required prior to application for a permit. Said fee to be set from time to time by the Town Council through the annual budgeting process. The fee must be paid to the Town of Bar Harbor, payable at the Finance Department before permit can be issued.
- D. **Debts** – Permits will not be issued to an applicant with outstanding financial obligations to the Town.
- E. **Expiration** – The permittee shall initiate the work within 6 months (180 days) from the date of permit issuance. If more time is needed, re-application shall be made to the Public Works Department.
- F. **Duration** – Once the work commences, the opening (road and/or sidewalk) shall be returned to original or better conditions within 30 days of the opening date and in no case later than November 15 of the same year. Exemptions may be allowed by the Public Works Director.
- G. **Changes** – Any change from original plans invalidates permit and new permit must be obtained.
- H. **Notice** – The permittee is required to give prior-day notice to all utility companies and the Public Works, Fire and Police Departments of intended excavation. If trench

- is to cross width of street, public works, fire and police departments need to authorize said excavations 24 hours in advance.
- I. **Traffic Control** – The permittee shall provide barricades, signs, warning cones and/or traffic control personnel if it is determined by the Public Works Director, after consultation with the Police and Fire Departments, to be required for the public safety. The Public Works Director may also require the applicant to provide a professional engineer stamped Maintenance of Traffic Plan developed by a state of Maine licensed civil engineer.
  - J. **Pavement Cuts** – All cuts into pavement must be square and clean, and shall be made with a pavement cutter or asphalt cutting machine.
  - K. **Road Closure** – Not over one-half of the surfaced area of any street may be excavated at any one time except in extenuating circumstances and with the approval of the Public Works Director prior to extending over one-half ( $\frac{1}{2}$ ) the traveled surface. The Public Works Director shall not issue the permit without the approval of the Police and Fire Chiefs.
  - L. **Backfill** – All backfill must be thoroughly tamped in 8” (eight inch) layers. Each layer shall be thoroughly tamped and compacted. Each layer shall be tamped by mechanical means. The material used shall be approved by the Public Works Director. The Contractor shall be liable for any settling of the excavation for a period of one (1) year from the date of final pavement.
  - M. **Standards**—The contractors shall return the sidewalk or road to original condition or better to the satisfaction of the Public Works Director.
  - N. **Safety** – No excavation may be left open overnight without approval of the Public Works Director.
  - O. **Hold Harmless** – The permittee accepts all liability due to excavation until it has been completely backfilled, compacted and returned to original condition.
  - P. **Sidewalks** – Any excavation of sidewalks will necessitate returning said sidewalk to original condition and material.
  - Q. **Repair Fees** – The permittee shall pay the cost of all repairs necessary to return the street or sidewalk to the original condition and material.
  - R. **Payments** – Payment for repairs shall be made at the Town of Bar Harbor Finance Department.
  - S. **Violations** – Any violation of these rules will result in an immediate stop-work notice.

- T. **Repealer** – This policy supercedes all previous Council policies, administrative rules, and other policies of the Town.
  
- U. **Failure to Comply** – Failure to comply to Town of Bar Harbor’s satisfaction will result in the Town completing the work at the expense of the permit holder.

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LEGISLATIVE HISTORY

05-Jan-88 Adopted by Town Council

10-15-22Staff suggested changes

12-06-22Amended by Town Council