

Chapter 226 Streets, Sidewalks and Public Areas

Article III Public Highway Excavations

§ 226-28 Permit required; application procedure; fees.

- A. In accordance with the authority granted in 23 M.R.S.A. § 3381, the municipality requires that any person wishing to cause an excavation of any highway of the municipality shall first obtain a permit from the municipality, except as provided below.
- B. No permit shall be given for the excavation of new construction or major maintenance for five years after completion of said construction unless for emergency excavation. Where the Town contemplates road construction or major pavement maintenance, such as overlay or recycling, notice to owners of property not serviced by facilities within the street shall be given by the Public Works Director. Upon said notice such owners shall make appropriate arrangements with the respective utility districts to have services extended to said property if utilities are located within 200 feet of the nearest property corner. Failure to provide such utility service shall result in any future utility service connection work being considered nonemergency.
- C. A person who wishes to cause an excavation in any road, street or thruway located outside the compact line established by the Maine Department of Transportation, including but not limited to Route 99, Route 109, Route 202 and Route 4, must first acquire any required application and permit from the Maine Department of Transportation.
- D. The excavation application shall include the following:
 - (1) Name of applicant(s).
 - (2) Date of application.
 - (3) Address of applicant.
 - (4) Location of planned excavation (road name and number).
 - (5) Purpose and description of the excavation.
 - (6) Identification of person who will perform the excavation and any associated work.
 - (7) Date excavation is to start.
 - (8) Date of completion of excavation and associated work.
 - (9) A graphic description of the proposed project.
 - (10) Utilities and Dig Safe notified, if required.
 - (11) Location of any nearby churches, businesses, utility poles and/or cemeteries.
 - (12) Type of highway surface and estimated area to be excavated.
 - (13) Name and address of insurance carrier providing liability insurance.
 - (14) Any other information required by the Public Works Director due to the size, nature or location of any particular excavation proposal.

- E. Following review of the application and determination of compliance with the requirements of this article, the Public Works Director or his/her appointed representative shall issue an excavation permit.
- F. There shall be a permit fee of \$5 ~~\$6~~, which shall be paid to the municipality prior to the issuance of an excavation permit. In addition, the following street opening charges (per square yard) are hereby established in order to cover the reasonable cost of resurfacing and/or repaving an excavation opening and shall be paid to the municipality prior to the issuance of any excavation permit:
- (1) Streets paved within the five years immediately prior to the excavation:
 - (a) Bituminous concrete four inches or more in depth: \$80.
 - (b) Bituminous concrete less than four inches in depth: \$40.
 - (2) Streets paved five years or more prior to the excavation:
 - (a) Bituminous concrete four inches or more in depth: \$65.
 - (b) Bituminous concrete less than four inches in depth: \$40.
 - (c) Bituminous concrete over portland cement concrete: \$35.
 - (3) Other areas.
 - (a) Bituminous treated surface or shoulder: \$35.
 - (b) Plain gravel surface: \$10.
 - (c) Grass esplanade: \$15.
 - (d) Bituminous concrete curbing: \$10 per linear foot.
 - (e) Granite curbing removal or realignment: \$20 per linear foot.
 - (f) Granite curbing installation: \$30 per linear foot.
 - (4) Sidewalk.
 - (a) Bituminous concrete sidewalk: \$20 per linear foot.
 - (b) Portland cement concrete sidewalk: \$25 per linear foot.
 - (c) Brick sidewalk: \$25 per linear foot.
 - (d) Brick sidewalk on concrete base: \$30 per linear foot.
 - (e) Gravel sidewalk: \$10 per linear foot.
- G. There shall be a minimum charge for any highway excavation equivalent to three square yards assessed at the appropriate unit rate established in Subsection F.
- H. The municipality shall maintain a record of all excavation applications and permits. Incidental fees paid to the municipality shall be separately accounted for and shall constitute a special fund from which the cost of resurfacing and/or repaving shall be appropriated.

Chapter 226-28F as amended by City Council Order #: 24-236-01 adopted 6/4/2024 and effective 7/1/2024. Additions are UNDERLINED, Deletions are ~~CROSSED-OUT~~. Only amended section is listed in this document.