

## **§ 184-3. Street Opening Permit**

### **Sec. 3-1. Required.**

No person or utility shall make any excavation, modify, or fill any excavation excluding previously permitted locations in any public place without first obtaining a permit to do so from the Town except as otherwise provided in this chapter. Any excavation within the Town's streets, sidewalks, esplanades or other public Right-of-way shall only be permitted in accordance with this Code or with this chapter. The granting of such a permit shall cover all required activities to conform to this right-of-way and the Town Code\*.

### **Sec. 3-2. Application.**

(a) No street opening permit shall be issued unless a written application on a form provided by the Town for the issuance of an street opening permit is submitted to the Town. The written application shall contain such information as reasonably required by the Public Works authority and identified in the Town Code. The permit shall expire thirty (30) days from the date of issuance.

(b) In order to obtain a permit, the applicant must be current on all of its financial obligations to the Town.

### **Sec. 3-3. General Conditions.**

Permits shall be granted only if the applicant has properly notified all utilities, contacted "Dig Safe", and obtained an authorization number to proceed. Any conflicts with utilities shall be the sole responsibility of the applicant and shall be resolved to the utilities' satisfaction.

### **Sec. 3-4. Annual Work Program To Be Submitted By Utilities.**

Each year on or before **March 31st**, each utility shall submit to the public works authority its planned work program for the ensuing year, which shall not include emergencies defined *in § 184-3-1 and* normal house service lines. Thereafter, the Town shall have the right to deny permit applications for excavations not contained within each utility's respective planned work program, except for emergencies and house service lines.

### **Sec. 3-5. Public Works Planned Work Program.**

Each year on or before March 31, the Public Works Department shall post in the Town Office its planned work program for the ensuing year and shall take reasonable steps to notify any utility or property owner affected by the planned work program. Failure to give such notice shall not impair the right of the Public Work Department to carry out its work program or amendments to the work program.

### **Sec. 3-6. Duration.**

Excavation work must be started no later than thirty (30) days from the date of issue of the street-opening permit. After the expiration of this thirty- (30) day period, such permit shall become null and void unless renewed by the Director. Permits can be extended up to a maximum of one year at the discretion of the Director.

### **Sec. 3-7. Fees and Charges.**

Fees and charges shall be adopted by the Town Selectmen.

**Sec. 3-8. Bonds.**

Bonds or deposits may be required of all applicants other than utilities in good standing under the Town municipal standards or in accordance with the Town Code in order to guarantee their performance. Bonds shall be posted for a minimum of two (2) years and shall not exceed twenty-five thousand dollars (\$25,000). The required bond value shall be equivalent to the estimated cost of the number of excavations performed in the previous season, or twenty-five thousand dollars (\$25,000) whichever is less. Instead of a bond, an applicant may substitute a deposit equal to the anticipated cost of excavation repair for each application it seeks. Deposits shall be refunded upon approved completion of all conditions of this chapter and the Town municipal standards or in accordance with the Town Code.

**Sec. 3-9. Permits Prohibited.**

No person or utility shall be granted a street opening permit on streets and sidewalks esplanades or other public right-of-way that have been reconstructed or overlaid for a period of three (3) years from date of construction except of an emergency. The street opening for an emergency in these areas shall be approved by the Public Works Director.

**Town of Topsham  
Public Works Department  
APPLICATION FOR STREET OPENING**

(For Office Use Only)
<b>Application No.:</b> _____
Date/Time Received: _____
Fee \$ : 100.00

Applicant:		Contractor Performing Work:		Property Owner:	
Address:		Address:			
Applicant's Phone No.:		Contractor's Phone No.:		Owner's Phone No.:	
24-Hour On Call Phone No.			Contact Person (if different from applicant)		
<b>Location of Excavation:</b> _____ (Street/Box Number & Name of Street)				Map Page: _____	
				Map Lot: _____	
Purpose of Work:					
Proposed Starting Date	Proposed Completion Date	Dig Safe Ticket #	<b>Except in an Emergency, no excavation is permitted from Nov. 15th of each year to April 1st of the following year.</b>		

Describe Proposed Opening on Sketch Below or Attach Sketch or Plan to This Application  
Show distance of opening from curb or pavement edge, width, depth and length of opening, nearest intersecting street, street numbers and abutting properties, existing utilities, proposed locations of barricades, warning signs, detour signs and detour routes.

Check here if sketch or plan is attached. Please reference the sketch or plan to this application.

**Notice To Applicant**

1. This form is an application only & no excavation work is to commence until the Street Opening Permit has been issued.
2. No excavation work is to commence until DIG SAFE and all underground facility operators have been duly notified of the work three (3) business days in advance in accordance with the current State of Maine statutory requirements.
3. All work must conform to the requirements of the Street Opening Permit and the current copy of the right-of-way as issued by the Town.
4. **Fee** *Make checks payable to Town of Topsham.*

**Statement of Agreement**

I am duly authorized to execute this application and have reviewed and will comply with the above. I further agree to comply with all requirements of the Street Opening Permit and agree to pay any subsequent charges which may become due as a result of my failure to comply with any of the permit requirements of the right-of-way.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approved by Dennis Cox, Public Works Director

\_\_\_\_\_  
Date

