



ORDINANCE GOVERNING STREETS AND SIDEWALKS

As amended: May 6, 2014
(Effective: May 19, 2014)

- Art. I. In General
- Art. II. Excavations
- Art. III. Snow Removal
- Art. IV. Street Lights
- Art. V. Violations

ARTICLE I. IN GENERAL

Sec. 1-1.

The purpose of this ordinance is to provide guidance and direction regarding the maintenance, repair and safety of City streets and sidewalks.

Sec. 1-2. Permit for partial occupancy of streets while working on adjacent buildings.

The Director of Public Works may grant a permit to any person to occupy a portion of any street not exceeding one-half ($\frac{1}{2}$) the width thereof for the erection or repair of any building abutting thereon, under such limitations and restrictions as may be required by ordinance or public convenience. A bond to protect the City from any injury which may result from the occupation of any portion of any street may be required by the Director of Public Works, of any person occupying such street. Any permit granted may be revoked by the granting authority at any time when the person to whom it is granted fails to comply with any rule, regulation or condition under which it is granted, or when in the opinion of the Director of Public Works the public good requires such revocation.

Sec. 1-3. Permit to move buildings.

The Director of Public Works may grant a permit to any person to move any building through any street which is not a state or state-aid highway, under proper restrictions, upon proof of liability insurance, or its equivalent in the minimum amount of three hundred thousand dollars (\$300,000.00) along with an agreement to indemnify the City for all damages which may be sustained by reason of such moving.

Sec. 1-4. Transfer of merchandise over sidewalks.

On streets not otherwise restricted, merchandise may be transferred from or to trucks or other vehicles over the sidewalk by the use of skids or planks, only when reasonably necessary and provided the sidewalk is not unreasonably obstructed, and then only for such period of time as is necessary, and if the sidewalk and travel thereon is obstructed by skids or planks for an unreasonable time, any police officer in the course of his duty may order such skids or planks removed, and if not removed he may remove or cause the same to be removed at the expense of the offender.

Sec. 1-5. Use of space under sidewalk.

No person shall make or cause to be made any aperture in or under any sidewalk without a written permit from the director of public works, and no person shall leave such aperture in an unsafe condition, or open, except when actually in use.

Sec. 1-6. Permit regulating driveway construction.

(a) No person shall construct or maintain any driveway entrance or approach joining any public street in the City without a written permit from the Director of Public Works who is hereby authorized to issue such permit, subject to such rules and regulations in regard to design, location, construction and number of entrances and approaches on said street as will adequately protect the safety of the traveling public. The Director is hereby authorized and directed to make rules and regulations pertaining to driveway construction subject to the approval of the municipal officers.

(b) No permit shall be required for any driveway entrance or approach now existing unless the grade or location of the same is changed, in which event a permit shall be required. However, in the event that the street is reconstructed all driveway entrances and approaches shall conform to the rules and regulations aforesaid.

Sec. 1-7. Erection of signs and other structures.

No person shall erect, set up or keep upon or in front of any building, store, shop or place of business, owned, occupied or controlled by him, any sign, signboard or other protruding object, projecting over the street or sidewalk or over any street entrance, any part of which shall be less than seven and one-half (7½) feet in height above the sidewalk; and no person shall erect, set up or keep upon or in front of any building, store, shop or place of business owned, occupied, or controlled by him, any sign, signboard or other protruding object, projecting more than two and one-half (2½) feet over the street or sidewalk or any street entrance, any part of which shall be less than fifteen (15) feet in height above the sidewalk.

In addition, no person shall erect or install any permanent, immovable or fixed object within the public right of way of any City street.

Sec. 1-8. Awning restrictions.

No person shall erect, establish or maintain any awning or shade in front of his place of business, or upon any shop, store or dwelling house, owned, occupied or controlled by him, which extends over any part of the public street or sidewalk, unless the same is firmly made, fixed, supported and maintained so as not to inconvenience travelers, and so that the lowest part of the metal hardware thereof shall be at least seven and one-half (7½) feet in height above such public street or sidewalk, and so that the lowest part of the canvas covering thereof shall be at least seven (7) feet in height above such public street or sidewalk.

Sec. 1-9. Addressing officer.

The addressing officer for the City shall be the City Assessor.

Sec. 1-10. Street numbering — Authorized.

The addressing officer, or his/her designee, shall, at his/her discretion, have the power to cause numbers, of regular series, to be affixed to, or inserted on, all dwelling houses and other public buildings erected or fronting on any street, lane, alley, or public court within the City.

Sec. 1-11. Street numbering — System.

Dwelling houses and other buildings within the City shall be numbered in the following manner: On streets or ways running northerly and southerly, except Water, Silver, Summer and Cool Streets, West River, Airport, Eight Rod and Shores Roads, beginning at a most southerly termination thereof with numbers one (1) and two (2), progressing northerly with odd numbers on the easterly side of the street or way, and even numbers on the opposite side on said accepted streets beginning at their most northerly or easterly termination with numbers one (1) and two (2), then progressing westerly or southerly, with the odd numbers on the northerly or westerly side of the street and even numbers on the opposite side; and on the transverse streets or ways except the streets or ways leading easterly out of College Avenue, beginning with the numbers one (1) and two (2) on the easterly or end nearest the Kennebec River, and progressing from the river and with the odd numbers on the northerly side of the streets or ways and the even numbers on the opposite side of the streets or ways; on the transverse streets or ways above excepted, beginning with numbers one (1) and two (2) on the College Avenue end, and progressing easterly toward the river, with the odd numbers on the northerly side of the street or way and the even numbers on the opposite side. Courts or lanes leading off of any street or way which do not terminate in another street or way shall be numbered with numbers beginning with one (1) and two (2) at the ends thereof next to the street or way from which they lead, with the odd numbers on the right side and the even numbers on the left. Corner buildings shall be numbered on both streets. A sufficient number of numbers shall be left for vacant lots.

Sec. 1-12. Street numbering — Numbers required.

The owner or occupant of any dwelling house or other building shall, within (30) thirty days after receiving written notice from the addressing officer, designating the number to be affixed to such dwelling house or other building, cause to be affixed to the main entrance of such dwelling house or other building fronting the street, a metallic or other suitable number, acceptable to the addressing officer, not less than one and one-half inches (1½) in height and placed in such a manner as to be plainly visible and legible from the street, or to a person approaching from the street, and in case any person neglects or refuses so to number such dwelling house or other building, or suffers a different number from the one designated by the addressing officer, he shall be liable to a fine in accordance with section 1-8 of this Code, and the municipal officers shall cause the proper number to be affixed at the expense of the owner or occupant.

ARTICLE II. EXCAVATIONS*

Sec. 2-1. Permit requirements and restrictions.

No person, firm, utility or corporation, except the Director of Public Works or his assistants in performance of official duties, shall break or dig up the ground or paving in any City street, way or place, or make excavation therein for any purpose without first obtaining a permit therefore from the Director of Public Works. A plan of the excavation indicating the property lines and limits of easements may be required along with the application. Such permit shall be granted according to the requirements and restrictions set forth in this ordinance.

Sec. 2-2. Application for permit.

The permit shall contain the following information:

- (a) Name and address of applicant;
- (b) Name and address of person or firm actually making the excavation;
- (c) Location of excavation;
- (d) Purpose of excavation;
- (e) Plan or sketch showing excavation to be made. Plans shall be stamped by a Maine Professional Engineer, when required by state law. Submitted plans must clearly define horizontal and vertical clearances from all other utilities within the project area. Utility clearance shall conform to the MDOT Utility Accommodation Policy, authorized by 23 MRSA sec. 52, 35-A MRSA sec. 2503 (16), and as further required by 23 CFR 645.211, however, Public Works shall have the authority to reduce minimum clearances;
- (f) Type of surface to be removed;
- (g) Fee, date, and number of permit;
- (h) Director of Public Works' signature;
- (i) Certification that the applicant will contact Dig Safe;
- (j) Certification that the Manual on Uniform Traffic Control Devices (MUTCD) will be followed
- (k) Acknowledgment that improper work or materials used causing settlement or break-up shall be redone by City or agent with cost of work charged to the firm, individual, organization or utility.
- (l) An estimated cost to replace the highway surface and shoulders, based on the schedule included as part of the application. This amount shall be known as the "Impact Value"

Sec. 2-3. Resurfacing responsibilities.

The City of Waterville reserves the right to do all resurfacing of all excavations except for the temporary cold patch required and shall charge a fee for such resurfacing. The City in its discretion may delegate its responsibility for the resurfacing of all excavations, except for the temporary cold patch, to a private contractor. Such delegation should be done in conformity with the bid process of the City's Purchasing Ordinance. The private contractor whose bid is accepted must perform all work in accordance with City specifications and such work is subject to the inspection and approval by the City Engineer. Any specific excavation job shall only be considered complete upon the issuance of a certification by the City Engineer to that effect. If the City Engineer is called upon to provide engineering services, the City shall charge the contractor for such services and the City retains the right to charge for inspection services if warranted.

Sec. 2-4. Excavation permit fees.

A non-refundable excavation permit fee shall be charged in the amount of seventy five dollars and no cents (\$75.00). In addition, a fee will be charged based on the type and amount of surface to be opened or excavated under the permit on a per square yard basis. Where two (2)

or more street openings are made in sequence, of fifteen (15) feet or less, center to center, between each adjacent opening, the applicant shall be charged for one opening measured from the first opening to the last opening. Said rates shall be set by the Director of Public Works with the approval of the City Manager and shall reflect current materials, labor and equipment costs.

Every application shall be accompanied by a check in the amount of 100% of the estimated Impact Value plus the seventy five dollars (the permit fee), made out to "City of Waterville. The permit holder shall be responsible for all final restoration of the affected area to the satisfaction of the Department. (not withstanding Sec. 2-3) Upon satisfactory completion of the repairs, the permit shall be deemed complete. If satisfactory repairs are not done in a timely fashion and upon reasonable notice to the permit holder to do the same, the Department will accomplish the final restoration and bill the permit holder for the cost.

The Impact Value is held in escrow and refunded to the applicant upon satisfactory repair of the roadway, minus 10% calculated from the final disturbed area.

After the excavation has been made and backfilled, the actual square yardage of disturbed area, including any areas adjacent to the installation disturbed by blasting or other similar cause, will be measured by a representative of the Department. Impact Value held in escrow will be refunded to the permittee, less 10% based on the final disturbed area, upon satisfactory repair of the roadway by the permittee.

Sec. 2-5. Routing of traffic.

Where work is to be performed in the right-of-way, the permittee shall consult with the Public Works Department and comply with the Manual of Uniform Control Devices (MUTCD) to assure that during the performance of the excavation work traffic conditions remain as normal as practicable and shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public. The Public Works Department shall notify the Police Department who, in turn, shall notify the Fire Department or other emergency service departments of any constrictions or stoppages in traffic. The Director of Public Works and/or his/her designee may permit in extreme cases the closing of streets to all traffic for a period of time prescribed by him/her if in his/her opinion it is necessary. The permittee shall route and control traffic including its own vehicles as directed by the Director of Public Works and or his/her designee. The following steps shall be taken before any highway may be closed or restricted to traffic:

- (a) The permittee must receive the approval of the Director of Public Works and/or his/her designee.
- (b) The permittee must notify the Director or Public Works or his/her designee prior to the closing of any street and give the department the length of time of closing. The Public Works Department will then notify other departments concerned.
- (c) Upon completion of construction work the permittee shall notify the Public Works Department before traffic is moved back to its normal flow so that any necessary adjustments may be made.
- (d) Where flagmen are deemed necessary they shall be furnished by the permittee at its own expense. All such flagmen shall be subject to proper training requirements. Thru traffic shall be maintained without the aid of detours, if possible. In instances in which this would not be feasible the Director or Public Works or his/her designee will designate detours. The City shall maintain roadway surfaces of existing highways designated as detours without expense to the permittee but in case there are no existing highways the permittee shall construct all detours at its expense and in conformity with the specifications of the

City Engineer. The permittee will be responsible for any unnecessary damage caused to any highways by the operation of its equipment.

Sec. 2-6. Clearance for fire equipment.

The excavation work shall be performed and conducted so as not to interfere with access to fire stations and fire hydrants. Materials or obstructions shall not be placed within fifteen (15) feet of fire plugs. Passageways leading to fire escapes or fire-fighting equipment shall be kept free of piles of material or other obstructions.

Sec. 2-7. Protection of pedestrian traffic.

The permittee shall erect and maintain suitable timber barriers to confine earth from trenches or other excavations in order to encroach upon highways as little as possible. The permittee shall construct and maintain adequate and safe crossings over excavations and across highways under improvement to accommodate pedestrian traffic at all street intersections. The walkway shall be not less than five (5) feet in width.

Sec. 2-8. Removal and protection of utilities.

The permittee shall not interfere with any existing utility other than their own facilities without the written consent of the City Engineer or the utility company or person owning the utility. If it becomes necessary to remove an existing utility this shall be done by its owner. No utility owned by the City shall be moved to accommodate the permittee unless the cost of such work be borne by the permittee. The cost of moving privately owned utilities shall be similarly borne by the permittee unless it makes other arrangements with the utility. The permittee shall support and protect by timbers or otherwise all pipes, conduits, poles, wire or other apparatus which may be in any way affected by the excavation work, and do everything necessary to support, sustain and protect them under, over, along or across said work. In case any of said pipes, conduits, poles, wires or apparatus should be damaged, they shall be repaired by the agency or person owning them and the expense of such repairs shall be charged to the permittee, and his or its bond shall be liable therefore. The permittee shall be responsible for any damage done to any public or private property by reason of the breaking of any water pipes, sewer, gas pipe, electric conduit or other utility, and its bond shall be liable therefore. The permittee shall inform itself through Dig Safe or by other means as to existence and location of all underground utilities and protect the same against damage.

Sec. 2-9. Protection of adjoining property.

The permittee shall at all times and at his or its own expense preserve and protect from injury any adjoining property by providing proper foundations and taking other measures suitable for the purpose. The permittee shall, at its own expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the excavation work, and shall be responsible for all damage to public or private property or highways resulting from its failure properly to protect and carry out said work. Whenever it may be necessary for the permittee to trench through any lawn area, the sod shall be carefully cut and rolled and replaced after ditches have been backfilled as required in this article. All construction and maintenance work shall be done in a manner calculated to leave the lawn area clean of earth and debris and in a condition as nearly as possible to that which existed before such work began. The permittee shall not remove even temporarily any trees or shrubs which exist in parking strip areas or easements across private property without first having notified and obtained the consent of the

property owner, or in the case of public property the appropriate City department or City official having control of such property.

Sec. 2-10. Protective measures; barriers, lights.

The permittee shall erect subject to approval of the City Engineer or his/her designee such fence, railing or barriers about the site of the excavation work as shall prevent danger to persons using the City street or sidewalks, and such protective barriers shall be maintained until the work shall be completed or the danger removed. At twilight there shall be placed upon such place of excavation and upon any excavated materials or structures or other obstructions to streets suitable and sufficient lights which shall be kept burning throughout the night during the maintenance of such obstructions. It shall be unlawful for anyone to remove or tear down the fence or railing or other protective barriers or any lights provided there for the protection of the public.

Sec. 2-11. Attractive nuisance.

It shall be unlawful for the permittee to suffer or permit to remain unguarded at the place of excavation or opening any machinery, equipment or other device having the characteristics of an attractive nuisance likely to attract children and be hazardous to their safety or health.

Sec. 2-12. Care of excavated material.

All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such a manner as not to endanger those working in the trench, pedestrians or users of the streets, and so that as little inconvenience as possible is caused to those using streets and adjoining property. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, such as might be the case in a narrow alley, the City Engineer shall have the authority to require that the permittee haul the excavated material to a storage site and then rehaul it to the trench site at the time of back-filling. It shall be the permittee's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

Sec. 2-13. Damage to existing improvements.

All damage done to existing improvements during the progress of the excavation work shall be repaired by the permittee. Materials for such repair shall conform to the requirements of any applicable code or ordinance. If upon being ordered the permittee fails to furnish the necessary labor and materials for such repairs, the City Engineer shall, through the Director of Public Works, mayor or City Manager, have the authority to cause said necessary labor and materials to be furnished by the City or its agent and the cost shall be charged against the permittee.

Sec. 2-14. Property lines and easements.

The permittee shall be responsible for confining all excavation work to the property lines and limits of easements indicated on the plan of excavation submitted at the time of the application, if so required.

Sec. 2-15. Cleanup of rubbish, debris.

As the excavation work progresses all streets and private properties shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All clean-up

operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the Director of Public Works or his/her designee. From time to time as may be ordered by or through the Director of Public Works or his/her designee and in any event immediately after completion of said work, the permittee shall at his or its own expense clean up and remove all refuse and unused materials of any kind resulting from said work and upon failure to do so within twenty-four (24) hours after having been notified to do so by the Director of Public Works or his/her designee, said work may be done by the Director of Public Works or his/her designee and the cost thereof charged to the permittee.

Sec. 2-16. Protection of water courses.

The permittee shall provide for the flow of all water courses, sewers or drains intercepted during the excavation work and shall replace the same in as good condition as it found them or shall make such provisions for them as the City Engineer or his/her designee or utility company may direct. The permittee shall not obstruct the gutter of any street but shall use all proper measures to provide for the free passage of surface water. The permittee shall make provision to take care of all surplus water, muck, silt, slickings or other run-off pumped from excavations or resulting from sluicing or other operations and shall be responsible for any damage resulting from its failure to so provide.

Sec. 2-17. Breaking through pavement.

Whenever it is necessary to break through existing pavement for excavation purposes and where trenches are to be three (3) feet or over in depth, the pavement in the base shall be removed to at least (8) inches beyond the outer limits of the sub-grade that is to be disturbed in order to prevent settlement, and an eight-inch shoulder of undisturbed material shall be provided in each side of the excavated trench. The face of the remaining pavement shall be approximately vertical. Asphalt paving shall be scored or otherwise cut in a straight line. No pile driver may be used in breaking up the pavement.

Sec. 2-18. Back-filling.

Whenever a permit has been issued for a street opening and the excavation has been made, the trench or opening shall be back-filled with the same material that was removed from the trench to within eighteen (18) inches of the existing pavement except as may be hereinafter provided. The top eighteen (18) inches of the trench shall be filled with approved bank-run gravel. If a permit is issued during the winter time and the excavated material freezes, this frozen material shall not be replaced in the trench but shall be removed from the area and disposed of and the excavated area back-filled with an unfrozen material similar to that removed to within eighteen (18) inches of the surface. If the material excavated contains too much moisture for proper compaction, it shall be removed and replaced with a similar dry back-fill material.

All back-filling shall be thoroughly tamped or compacted either by hand tamping or power tampers. If hand tampers are used, it shall be placed in layers not over six (6) inches thick. If power tampers are used, back-filling material may be placed in twelve (12) inch layers and thoroughly compacted. Puddling of the back-fill will not be permitted except by special permission from the City Engineer. All material excavated for the trench shall be replaced in the trench except for the amount which may be displaced by the use of gravel for the top eighteen (18) inches. All back-fill shall be compacted to meet at least ninety-five per cent (95%) of total compaction as measured by the Proctor test.

The permittee shall be required to place a two (2) inch cold patch over the compacted gravel.

Sec. 2-19. Replacement of surface.

When an opening is made on a street where part or all of the surface is cement concrete, or granite block on a concrete base, the concrete shall be cut back at least eight (8) inches beyond the edges of the trench. All reinforcing steel encountered when removing the concrete shall not be cut off flush. Twenty-four (24) bar diameter stubs shall be retained and used for reinforcing in the new concrete when placed. In addition to the retained reinforcing, additional reinforcing steel shall be furnished to provide the equivalent of one-half (½) inch steep rods on twelve (12) inch centers both ways in the new concrete patch. The thickness of the concrete in the new patch shall be as thick as the existing concrete and the top surface of the concrete in the patch shall be finished to conform to the surface of the old concrete. This new concrete shall be protected from all traffic for not less than seven (7) days after being placed.

Where granite block is encountered under the paving, these blocks shall be removed and the area replaced with concrete in accordance with the requirements above described. After the concrete has been placed and before the permanent paved surface is put back, the edges of the old paving are to be painted with an asphaltic liquid.

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 and/or crushed rock shall be replaced in the trench as is removed when the excavation is made where this material exceeds the eighteen (18) inch depth as specified in item 4. When crushed rock is encountered directly below the bituminous concrete, a like amount of crushed rock shall be replaced and this crushed rock shall be penetrated with an approved liquid asphalt at the rate of at least one gallon per square yard before the permanent surface is replaced. Base course asphalt concrete may be substituted for the crushed rock.

Upon completion of the back-filling, cold patch and clean-up, the permittee shall so notify the City Engineer or his/her designee and request a final inspection of the project. After final inspection the City Engineer shall so notify the Director of Public Works or his/her designee and the City or permittee shall then restore the surface of the street to its original condition as directed by the City Engineer or his/her designee.

It shall be the duty of the permittee to guarantee and maintain the site of the excavation work in the same condition it was prior to the excavation for two years after restoring it to its original condition.

Sec. 2-20. Trenches in pipe laying.

Except by special permission from the City Engineer, no trench shall be excavated more than seventy five (75) feet in advance of pipe laying nor left unfilled more than seventy five (75) feet where pipe has been laid. The length of the trench that may be opened at any one time shall not be greater than the length of pipe and the necessary accessories which are available at the site ready to be put in place. Trenches shall be braced and sheathed according to generally accepted safety standards for construction work as prescribed by the City Engineer. No timber bracing, lagging, sheathing or other lumber shall be left in any trench.

Sec. 2-21. Prompt completion of work.

The permittee shall prosecute with diligence and expedition all excavation work covered by the excavation permit and shall promptly complete such work as soon as practicable and in any

event not later than the date specified in the excavation permit therefore, or as subsequently extended by the Director of Public Works.

Sec. 2-22. Urgent work.

If in his judgment traffic conditions, the safety or convenience of the traveling public or the public interest require that the excavation work be performed as emergency work, the City Engineer shall have full power to order, at the time the permit is granted, that a crew and adequate facilities be employed by the permittee twenty-four (24) hours a day, to the end that such excavation work may be completed as soon as possible.

In the event of any emergency in which a sewer, main, conduit or utility in or under any street breaks, bursts or otherwise is in such condition as to immediately endanger the property, life, health or safety of any individual, the person owning or controlling such sewer, main, conduit or utility, without first applying for and obtaining an excavation permit hereunder, shall immediately take proper emergency measures to cure or remedy the dangerous conditions for the protection of property, life, health and safety of individuals. However, such person owning or controlling such facility shall apply for an excavation permit not later than the end of the next succeeding day during which the Director of Public Works' office is open for business.

Sec. 2-23. Nuisance abatement.

Each permittee shall conduct and carry out the excavation work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce to the fullest extent practicable in the performance of the excavation work, noise, dust and unsightly debris and during the hours of 9:00 p.m. and 7:00 a.m. shall not use, except with the express written permission of the City Engineer or in case of an emergency as herein otherwise provided, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring property.

Sec. 2-24. Excavation protection; new street improvements.

Whenever the City Council enacts any ordinance or resolution providing for the paving or repaving of any street, the City Engineer or his/her designee shall promptly mail a written notice thereof to each person owning any sewer, main, conduit or other utility in or under said street or any real property, whether improved or unimproved, abutting said street. Such notice shall notify such persons that no excavation permit shall be issued for openings, cuts or excavations in said street for a period of five (5) years after the date of the notice. Such notice shall also notify such persons that applications for excavation permits, for work to be done prior to such paving or repaving, shall be submitted promptly in order that the work covered by the excavation permit may be completed not later than thirty (30) days from the date of such notice unless the City Engineer or his/her designee determines that additional time should be allowed due to the scope of or conditions surrounding any particular project. The City Engineer or his/her designee shall also promptly mail copies of such notice to the occupants of all houses, buildings and other structures abutting said street for their information and to state agencies and City departments or other persons that may desire to perform excavation work in said City street.

Within said thirty (30) days or other period so granted, every public utility company receiving notice as prescribed herein shall perform such excavation work, subject to the provisions of this article, as may be necessary to install or repair sewers, mains, conduits or other utility installations. In the event any owner of real property abutting said street shall fail within said granted period to perform such excavation work as may be required to install or repair utility

service lines or service connections to the property lines, any and all rights of such owner or his successors in interest to make openings, cuts or excavations in said street shall be forfeited for a period of five (5) years from the date of enactment of said ordinance or resolution. During said five (5) year period no excavation permit shall be issued to open, cut or excavate in said street unless in the judgment of the City Engineer or his/her designee, an emergency as described in this article exists which makes it absolutely essential that the excavation permit be issued.

Every City department or official charged with responsibility for any work that may necessitate any opening, cut or excavation in said street is directed to take appropriate measures to perform such excavation work within said granted period so as to avoid the necessity for making any openings, cuts or excavations in the new pavement in said City street during said five-year period.

Sec. 2-25. Preservation of monuments.

The permittee shall not disturb any surface monuments or hubs found on the line of excavation work until authorized to so do by the City Engineer.

Sec. 2-26. Inspections.

The City Engineer shall make such inspections as are reasonably necessary in the enforcement of this article. The City Engineer shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this article. Any expense incurred shall be charged to the permittee.

Sec. 2-27. Insurance.

A permittee, prior to the commencement of excavation work hereunder shall furnish the City satisfactory evidence in writing that the permittee has in force and will maintain in force during the performance of the excavation work and the period of the excavation permit public liability insurance, naming the City of Waterville as additional insured, of not less than one million dollars (\$1,000,000.00) and property damage insurance of not less than five hundred thousand dollars (\$500,000.00), duly issued by an insurance company authorized to do business in this state.

Sec. 2-28. Liability of City.

This article shall not be construed as imposing upon the City or any official or employee any liability or responsibility for damages to any person injured by the performance of any excavation work for which an excavation permit is issued hereunder; nor shall the City or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit or the approval of any excavation work.

Sec. 2-29. Improper work.

If the work or any part thereof provided for in this article shall be unskillfully or improperly done, the City Engineer or the Director of Public Works may forthwith cause the same to be skillfully and properly done and shall keep an account of the expense thereof. In such case, the permittee in default shall pay to the City all its expenses incurred in correcting such improper work with an additional fifty per cent (50%) added thereto for its default; and thereafter no further permits shall issue to the permittee until such sum is paid in full to the City.

ARTICLE III. SNOW REMOVAL*

Sec. 3-1. Parking during and after snowfalls.

No vehicle shall be parked on any City street in such a manner that it interferes with the plowing of snow, between the hours of 11:59 p.m. and 6:01 a.m. from the first (1st) day of December to the thirtieth (30th) day of April. The following streets/sections of streets are exempt from this prohibition:

Main Street from the railroad tracks south to the intersection of the bridge and Spring Street connectors; *College Avenue* from the College Avenue underpass south to the intersection of Main Street; *Elm Street*; *Silver Street* from the intersection with Main Street to the intersection of Elm Street; *Water Street* from the intersection of Sherwin Street to the intersection of Spring Street connector; *Front Street*; *Common Street*; *Pleasant Street* from Gilman to Main Streets; *Sanger Avenue* from Colonial Street to Main Street; *Castonguay Square*; *Temple Street*; *Appleton Street*; *The Concourse*; and *Municipal parking lots*.

Sec. 3-2. Parking during snow removal.

For the purpose of facilitating the removal of snow, the Director of Public Works, upon authority of the chief of police, may place properly marked signs along any street or streets or portions thereof as he shall, from time to time, deem necessary. It shall be unlawful for the operator of any vehicle to enter upon, stop or park within the spaces indicated by such signs.

Sec. 3-3. Removal of snow from residences and businesses.

When snow is removed from any residence or business, it shall not be placed on another's property, the street, any sidewalk plowed by the City or on any fire hydrant. Additionally, no snow shall be placed so that it obstructs the vision of anyone operating a vehicle within the City limits. The owner, tenant, or any other person having control of the area where snow is placed and the person placing the snow shall be liable for any violation of this section.

Sec. 3-4. Removal of sidewalk snow.

The tenant or occupant of any store, shop, dwelling house, factory, hotel or other building, or any vacant lot or land, bordering upon any sidewalk on the business parts of Main, Elm, Water, Silver, Common, and Temple Streets, College Avenue, The Concourse, and Kennedy Memorial Drive, and in case there shall be no tenant, the owner or any person having the care or control of any building or lot or land bordering upon the aforementioned streets, shall cause snow to be removed from such sidewalk within the following times:

- (1) Within four (4) hours of the ceasing of snowfall, if in the daytime.
- (2) Before 10:00 a.m. of the day following said snowfall if in the nighttime; provided that if the following day is Sunday, before 10:00 a.m. of the following Monday.

This provision shall be construed to extend to the removing of snow falling from any roof upon such sidewalk; but no person shall be required to remove any snow as aforesaid on Sunday. Such tenant or occupant, owner or agent, whenever ice shall have formed upon any sidewalk, as aforesaid, shall cause the same to be removed or to be properly covered or strewed with sand, ashes, or other suitable substance, in such a manner as to render said sidewalk safe and convenient for travelers on foot.

Sec. 3-5. Removal of ice resulting from car wash operation.

The operator, whether tenant, occupant or owner, of a building that is utilized for the purpose of washing automotive vehicles, commonly known as car washes, no matter where such car wash is located in the City shall, during the months of any year in which water is capable of freezing on streets and sidewalks, be responsible for the following:

- (a) During the period of time the car wash is open for business, it shall be the responsibility of the operator to minimize ice formation on the street and sidewalk within six (6) feet of the car wash operation exit; this responsibility may be accomplished by any means such as, but not so limited to, removal by manual or mechanical means of excess water to prevent the formation of ice; prevention of the formation of ice by the use of salt or chemicals, which salt or chemicals have been approved by the department of Public Works; and
- (b) At the time of the normal cessation of daily business operations, the operator must make provision to prevent the accumulation of ice on the sidewalk or within six (6) feet of the operation by any of the means provided for in subsection (a) above or in the alternative if ice has formed it shall be the obligation of the operator to provide for sanding of the street and sidewalk.

The first violation of this section shall consist of a warning notice issued either by the police department or a code enforcement officer. A second violation of this section shall result in the issuance of a summons and complaint, and shall result in a fine of twenty-five dollars (\$25.00). Subsequent violations shall be subject to the provisions of the Administrative Ordinance, Art. II, Sec. 2-9.

Sec. 3-6. Special night regulations.

- (a) It shall be unlawful for the operator of any vehicle to park such vehicle between the hours of 12:00 midnight and 6:00 a.m. from the first (1st) day of December to the first (1st) day of April in the ensuing year, on any street in the City, or in such sections of municipal parking lots as may be designated from time to time by the police department by appropriate signs. When overnight parking is prohibited in the Concourse, signs will be erected to notify the public.
- (b) Any person violating any of the provisions of this section shall pay a penalty of ten dollars (\$10.00).

Sec. 3-7. Removal of abandoned or unlawfully parked vehicles.

Any vehicle parked in violation of this article, or abandoned in such a location, shall, upon authorization by the Director or superintendent of Public Works or the police department, be towed at the owner's expense. If the vehicle owner or the owner's designee arrives after a tow truck has been called, but before the vehicle has been towed away, the owner can remove the vehicle, provided the owner pays one-half (½) the towing charge.

ARTICLE IV. STREET LIGHTS

Sec. 4-1. Street light review committee established.

A committee shall be established to provide for a uniform method to determine whether to install, rearrange, or to remove street lights.

The committee shall consist of the Director of Public Works and the City Police Chief and a member of the Safety Council. The committee shall be known as the street light review committee, and committee members shall serve for so long as they perform the functions of the above-named positions.

Sec. 4-2. Authority.

The street light review committee is hereby delegated the authority to investigate, consider, and recommend action by the City Council on the need for street lights on the public ways of the City.

Sec. 4-3. Findings of committee.

In the exercise of the authority delegated herein, the committee shall make its decision upon findings of fact by a majority of the committee. The action of installation, rearrangement, or removal must be based on positive findings of fact of the following standards, where applicable:

- (1) Will provide for the safety of pedestrians and vehicular traffic while using public ways;
- (2) Will provide for the protection of citizens from criminal activities that are dependent on the cover of darkness or where the rate of criminal incidents are high;
- (3) Will provide for effective illumination in direct relation to population density for residential areas of the City;
- (4) Will provide for effective illumination to attract business invitees in certain commercial areas; and
- (5) Will provide the optimal use of public funds in the attainment of the standards.

Any resident who disagrees with the finding of the Committee shall be afforded the opportunity to be present when the matter is presented to the Council.

Sec. 4-4. Submission of order to Council; action.

Upon determination of findings of fact that the standards of section 4-3 have been met, the committee shall submit an order, with findings of fact attached, to the City Council for its action. When any action is ordered to be undertaken by the City Council, the City Manager shall delegate the implementation of the order to the appropriate department head of an operating department.

ARTICLE V. VIOLATIONS

Violations of any provision of this ordinance shall be subject to the penalties as prescribed in the Administrative Ordinance, Article II, Section 2-9, unless a different penalty is provided herein.



Waterville City Council
Effective: September 30, 2007
(Ordinance 14-2007)

As Amended May 6, 2014
Effective: May 19, 2014
(Ordinance 62-2014)