

## CHAPTER 27 - USE OF STREETS AND PUBLIC PLACES

### ARTICLE 1 - Use of Streets

#### Section 1.1 Definitions

(a) The definitions of words and phrases as contained in Chapter 26 of the ordinances of this City are hereby made applicable to this chapter.

(b) The word "street" or "streets" as used in this chapter shall be understood as including highways, ways, avenues, courts, lanes, alleys, parks, squares, places, sidewalks, and bridges.

#### Section 1.2 Abandonment

No person shall abandon any vehicle or other property except in places authorized by law.

#### Section 1.3 Assemblage

No person or persons shall hold or address any public meeting or assemblage of people in any street without a permit to do so granted by the Chief of Police.

#### Section 1.4 Awnings

No person shall place, or establish, or maintain any awning, shade or other thing over any part of any street or sidewalk, unless the same be safely made, fixed, supported and maintained, and unless the lowest part of said awning, shade or thing be at least seven feet in height above the sidewalk or street.

#### Section 1.5 Bulletin Boards

No person shall erect or maintain any bulletin board within the limits of any street without first obtaining a permit from the City Clerk and approved by the City Manager.

#### Section 1.6 Repealed July 18, 1973

### Section 1.7 Cleaning Sidewalks

No person in removing dust, dirt, debris, snow, ice or mud from any sidewalk or crosswalk of the City shall project or deposit any such material upon a person or apparel of any person. Such material shall be removed in a careful manner, and the person so engaged in removing the same shall, if necessary, discontinue such operation until the person passing or nearby shall have reached a safe distance.

### Section 1.8 Dead Body of a Person

No person except a duly licensed undertaker, or one acting under the direction of a licensed undertaker, shall transport or assist in transporting any dead body of a person on, along, across or through any street or public place.

### Section 1.9 Doors Sidewalk Cellar Openings

No person shall erect, construct, maintain or keep any cellar door, or passageway, into any cellar, or basement, or excavation of any kind, extending into, or occupying any part of, any street, townway, sidewalk, or public passageway, unless such doorway, passageway, or excavation, be kept covered with a suitable and substantial plank covering or grate, level with the sidewalk or street. No person shall suffer any such cellar door or passage from the sidewalk into any cellar to be kept open when not in immediate use, nor in any case after sunset.

### Section 1.10 Drain and Sewer Operations

Repealed - May 18, 1970

### Section 1.11 Encumbrances

(a) Unless otherwise legally authorized, no person shall place or keep or cause to be placed or kept any article on any street or sidewalk except for immediate conveyance across the same.

(b) Nothing in this ordinance shall be construed as prohibiting the necessary use of the streets by any vehicles operated by the City or by any public utility.

(c) This section shall not apply to plants, shrubs, or flowers, whether real or artificial, placed in a suitable pot or container, or to trees, displayed or located on any sidewalk or street for the purpose of beautifying the same, provided that no sign or device containing any advertising shall be attached to any such display. No such display shall be permitted until it has been certified by the Chief of Police that it will not interfere with or constitute a hazard to pedestrian or motor traffic, and by the City Planner to be in good taste and to add to the attractiveness of the place where it is to be located. Plans for any such display in such detail as the Chief of Police or City Planner may require shall be submitted to each before such approval is given. Any such display may be

required to be removed on 10 days written notice signed by the Chief of Police and the City Planner certifying that continuance of such display would not be in the best interests of the City. In the event that such display is not removed within 10 days after notice to do so, the City of Auburn may remove it at the expense of the abutting owner and dispose of it in any practicable manner without any liability to the abutting owner or the owner of the display for so doing.

(d) No person engaged in the sale of goods, wares or merchandise shall deposit, pile place or display for purposes of sale, or cause or permit to be deposited, piled, placed or displayed for the purpose of sale, any such goods, wares or merchandise upon or overhanging any sidewalk or street except as provided hereafter in sub-section (e).

(e) Upon receipt of a petition for permission to display and sell goods, wares, or merchandise upon any part of the public street including the sidewalk, setting forth such information regarding the proposed sale as is necessary to process the request for a permit the Chief of Police or his authorized representative, may issue a permit for such sale after determining that the public safety and convenience will not be adversely affected. Such permit shall specify the general nature of the sale, the items to be offered for sale, the business days (not more than 10 per calendar year) and the hours during each day in which such sale will take place, the location in which the sale is to be held, and the name of the permit holder. Any such permit may be cancelled by the Chief of Police or his authorized representative for a violation of its terms. Any such violation shall be subject to the penalty provisions imposed for violations of the provisions of this chapter.

#### Section 1.12 Banners \*

No person shall erect or suspend a banner or other similar device above a street without first obtaining a permit to do so from the City Council. The permit shall specify the location of the banner or other device and the length of time during which it may remain in place, and may impose other conditions which the City Council may reasonably deem necessary for the protection of the public.

If the banner is to be hung across Court Street at the corner of Main Street, the City Clerk shall issue the permit if:

- (1) The application therefor is in writing.
- (2) The applicant is a non-profit organization.
- (3) Written permission from the owners of the buildings from which the banner is to be hung is presented along with the application.
- (4) Proof is provided in a form satisfactory to the City Clerk that arrangements have been made to provide liability insurance in the amount of no less than \$100,000. for each occurrence insuring the City of Auburn, its officers and employees, against any claim which may arise in connection with the hanging of the banner.

- (5) No more than one banner will be hung at that location at the same time.
- (6) Deleted 5/6/91

In any case in which the City Clerk is in doubt as to whether the criteria for issuing the permit have been met, he/she shall refer the matter to the City Council for a determination.

\* Section 1.13 Firearms Discharge

(a) The purpose of this ordinance is to regulate the discharge of firearms within the City of Auburn in order to promote and enhance the safety and welfare of its inhabitants. It is intended to protect the rights of landowners and the interests of persons who use firearms in work and recreation.

(b) No person shall fire or discharge any gun, revolver, pistol, air or gas-operated gun or firearm of any description within the area as designated by the attached map, except in cases where the same is expressly permitted by state law. (Copy of said map shall be on file in the City Clerk's Office)

(c) The provisions of this ordinance shall not apply to officers charged with the enforcement of law; to persons discharging firearms in the defense of person or property; to the discharge of firearms in duly authorized rifle ranges, pistol ranges, target ranges, or shooting galleries; to the discharge of firearms during military exercises; to the discharge of firearms by members of veterans organizations and other similar organizations in connection with public ceremonies; nor to the discharge of blank cartridges for theatrical purposes or for signal purposes in athletic contests or sporting events.

(d) Police officers and duly authorized constables of the City of Auburn shall have the authority to enforce this ordinance.

(e) Except in emergency circumstances under which a property owner is permitted by state law to kill dogs or wild animals found in the act of attacking or worrying that person's domestic animals or destroying that person's property, no person shall discharge firearms within the City limits for the purpose of shooting such nuisance dogs or wild animals without first notifying the Auburn Police Department of their intention to do so and of the approximate time and place where the shooting is to occur. In the emergency circumstances described above, any person shooting a dog or wild animal shall notify the Auburn Police Department immediately following such shooting.

Section 1.14 Playing in Streets

No person shall play any ball game or engage in any other play activity within the limits of any street so as to constitute a safety hazard or interfere with the convenient and free use of the street by persons or vehicles traveling thereon except on such streets as may be designated as "play streets" by the City Manager, and then only for such period as is specifically designated. A police officer when satisfied that a person has ridden or propelled a skateboard in violation of this

\* Amended 10/3/94

section may, after first offering him the option of being summoned to court, impound the skateboard for a period not exceeding 10 days for the first offense, 20 days for the second offense, and for a period not to exceed 60 days for any subsequent offense.

Section 1.15 Hydrants

No person except one duly authorized shall remove the cap from any water hydrant in the City. No person shall interfere with or meddle with, obstruct the approach to, partially or wholly cover with snow or any other substance, or in any manner damage or deface such hydrant or decrease its immediate fully effective availability in event of an emergency.

Section 1.16 Notices, Damage or Destruction of Property

No person shall maliciously destroy or damage any public property, or any private property not his own.

Section 1.17 Numbers: Building

(a) The City Engineer shall establish in writing systematized rules for assigning numbers to all houses and commercial buildings in the City to each such house and commercial building except those in outlying rural areas.

(b) Odd numbers shall be assigned on the right-hand side and even numbers on the left-hand side of streets, beginning with the lowest number and proceeding in sequence with higher numbers.

(c) The owner of every house or commercial building shall, within 60 days of receiving notice from the City Engineer of the number assigned to such house or commercial building, affix to its main entrance fronting on the street a metallic or other suitable number at least one and one-half inches in height. In the event that such house or commercial building possesses no entrance fronting on the street, such number shall be placed on some other conspicuous portion of the building.

(d) The City Engineer may for good cause revise from time to time the rules under which house numbers are assigned and shall give notice of the change to persons affected in the same manner that notice is given of numbers originally assigned. The owner of every house or commercial building shall, within 60 days of receiving notice from the City Engineer of the new number assigned, affix such number to such house or commercial building in the manner provided for by sub-section (c) with respect to numbers originally assigned.

(e) No person shall remove, obliterate, mar, deface or destroy any house or building number attached to or painted on such house or building as required to be displayed.

Section 1.18 Obstruction, Drains

No person shall place any obstruction in any ditch or water course by the side of any street in this City without providing a sufficient culvert for the passage of the water that shall be acceptable to the Superintendent of Streets, and then only with the approval of the Superintendent of Streets.

Section 1.19 Paint on Sidewalks

No person shall paint or cause to be painted any sign, advertising or any other matter upon the public sidewalks, or apply paint thereto for any purpose, in any manner, except such paint as may be applied under the direction of a public official or employee for public purposes.

No person shall leave any box, bottle or package of any kind containing poison or other dangerous matter or thing, in any street, public place, or in any doorway, unless reasonable precaution is taken to insure that said box, bottle, package or dangerous matter does not fall into the hands of children.

#### Section 1.21 Pumps: Sidewalk

Sidewalk gasoline or other pumps now in existence may continue in operation and may be repaired or replaced, but there shall be no extension or expansion of the existing space occupied by such pumps. All existing sidewalk pumps shall be licensed by the City Clerk.

#### Section 1.22 Raising or Lowering Objects

No person shall raise anything from, or lower anything to, any street or public place by means of a rope, chain, pulley or similar device without first providing protection satisfactory to the Police Chief for pedestrians or vehicles using said street.

#### Section 1.23 Signs, Street Name

No person shall injure, damage, deface, break, take down or remove, or in any manner interfere with any street-name sign placed in a street under authority of the City Council except a public official or employee for repair or replacement purposes. No person shall place any street-name or signs on any street except by authority of the City Council.

#### Section 1.24 Repealed May 18, 1970.

#### Section 1.25 Signs of Warning: No interference With

No person shall damage, interfere or meddle with, remove, throw down, destroy or carry away from any street or public place, any lamp, lantern, flare or other light, barricade or danger signal, erected and placed therein for the purpose of guarding or enclosing unsafe or dangerous places or giving warning or notice thereof.

#### Section 1.26 Snow Removal

It shall be unlawful for any person to remove or cause to be removed snow from private premises and deposit same, or cause same to be deposited, in and upon any street or sidewalk.

Section 1.27 Sidewalks: Space Under

No person shall use or appropriate any space under a sidewalk for cellar or other underground uses without first obtaining a permit from the City Engineer.

Section 1.28 Sidewalks: Water Draining Thereon

No owner of any building, lot or premises shall allow rain water or drain water to drain from such building, lot or premises onto a sidewalk or to allow ditches, leaders, ducts or drain pipes to empty onto a sidewalk.

Section 1.29 Trees

No person shall willfully cut, dig up, break, injure, damage, destroy, or interfere with any tree, shrub, flower bush or other plant in any public place in the City. No person except the Superintendent of Streets or any person he may designate shall cut or trim trees or parts thereof.

Section 1.30 Fishing: Gully Brook

No person over the age of 16 years shall fish in that part of Gully Brook which flows through Pettengill Park.

Section 1.31 Soliciting

No person or persons representing charitable organizations or any organization whatsoever shall be permitted to use the streets or sidewalks of the City of Auburn for the purpose of soliciting funds by means of selling tags, emblems or any articles either of merchandise or otherwise, without first obtaining from the Chief of Police of Auburn a permit for said purpose. Upon refusal by the Chief of Police to issue said permit, an appeal may be made to the Auburn City Council, which may grant said permit if it deems it advisable.

Section 1.32 Sidewalk, Doors Swinging Onto

No person shall allow any gate or door belonging to the premises under his control and adjoining any public street, to swing on, over or into any street or sidewalk.

\* Section 1.33 Penalty

Any person who violates a provision of this chapter shall be subject to a civil penalty of not more than \$1,000 which shall be payable for the use of the City of Auburn. This section shall not apply to a violation of any section of this chapter which contains a specific penalty provision.

\* Amended 12/19/88



### Section 1.34 Loitering

Whenever three or more persons gathered in a public place or upon a public street or way, not being a part of a properly licensed assembly, a parade or other lawful procession, are acting in a rowdy or belligerent manner so as to endanger the safety and wellbeing of the persons or property of others or otherwise so as to create an imminent threat to the proper maintenance of public order, any duly authorized law enforcement officer may order such persons to disperse and move on. Any person refusing to comply with such an order shall be guilty of loitering and upon conviction thereof shall be punished by a fine not to exceed \$25 or by imprisonment for not more than 5 days, or by both and such penalty shall not be suspended.

### Section 1.35 Repealed May 7, 1973

### Section 1.36 Fences Required

Whenever, upon complaint of the Superintendent of the Auburn Highway Department or the Building Inspector, it is determined by the Auburn City Council, after hearing and notice, that an owner or occupant of land abutting a public highway in the City has, through excavation or other means, caused the surface of his land to become lower than the grade of the adjacent street or sidewalk so as to create a danger to persons passing by on said sidewalk or in vehicles upon the street, the Council may order the owner or occupant of said land to erect a fence or guardrail according to specifications contained in the order or which shall be sufficient, in the judgment of the Superintendent of the Highway Department, to protect the public from the danger created by the change in the grade of the lot. Notice of the hearing and of any resulting order issued by the Council shall be given and any appeal therefrom taken in the same manner as is provided by state law with respect to the procedures for adjudging buildings to be nuisances or dangerous. If no appeal is filed, the City may cause a proper fence or guardrail to be erected at the expense of the owner or occupant of said land. This ordinance shall not apply to excavations made prior to the date upon which it becomes effective.

### Section 1.37 Loitering on School Property \*

No person shall loiter on any school grounds or school property after dark from sunset to 5 A.M. the following day where such grounds or property have been posted by the Auburn School Department as being closed to the public during such hours except for the purpose of attending a meeting or other authorized function at the school or with the permission of an authorized representative of the Auburn School Department. "Loitering" shall not include the use of school grounds solely for the purpose of crossing between two points not located on school property. The time of sunset shall be determined by reference to such times as computed for Augusta, Maine by the Nautical Almanac Office of the United States Naval Observatory converted to the standard of time in force in this state on that day.

\* Added October 20, 1975

Section 1.38 Motor Vehicles on School Property

The Auburn Superintending School Committee may establish regulations governing the parking, speed, and manner of operation of motor vehicles and bicycles or exclude the same completely from school grounds and access ways. Such regulations shall be filed in the office of the Superintendent, office of the Police Department and posted on the school grounds or access ways to which they apply. Any person violating any such regulation shall be punished by a fine of not more than \$100.00.

Section 1.39 Possession of Alcoholic Beverages on School Property

No person shall have alcoholic beverages in his possession in school buildings or on school grounds.

Section 1.40 Parking Tractor-Trailer Trucks and Railway Engines in Residential Zoning Districts

No person shall park a tractor-trailer truck or railway engine in a residential zone within 500 feet of residence with its motor running for a total of more than twenty minutes during the hours of 9:00 P.M. and 7:00 A.M.

Section 1.41 Urination and Defecation in Public Places

No person shall urinate or defecate on any street, sidewalk, or other public place or in any other unenclosed location which is immediately adjacent to and clearly visible from a public place.

\* Section 1.42 Truck Parking

No commercial vehicle which has a gross vehicle weight (GVW) of more than 9200 pounds or has an overall length of more than 22 feet, shall be parked overnight on any residential street, or for longer than 2 hours during the daylight hours, unless it is being used in the performance of work at the site. This section also applies to tractor Trailers as one unit or separate. Pick-up trucks are exempt.

ARTICLE 2 - Public Dances

Section 2.1 Definition

The term "dance" for the purpose of this article shall be limited to dances open to the public.

Section 2.2 Supervision

At least one regular police officer shall be in attendance at every public dance at which minors are admitted, as required by state law, and the Chief of Police may require that additional officers be present where in his judgment their attendance may reasonably be required to preserve good order. At the request of the sponsor, the Chief of Police shall state in writing his reasons for assigning additional officers to any such dance. The Chief of Police may also, for the same reasons and subject to the same conditions, require that one or more officers be present at any public dance at which minors are not admitted even though such would not be required under state law. Any such officer or officers shall be paid by the person or organization conducting the dance.

Section 2.3 Lighting

The hall shall be well lighted during the progress of the dance and while patrons are in attendance.

\* Section 2.4 is deleted.

\* Deleted 12/19/88

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## 3.1 Definitions.

The following words, when used in this article, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

**Applicant** shall mean any person making written application to the City Engineer for an excavation permit.

**Base course** shall mean the layer or layers of specified or selected material of designated thickness placed on a subbase or a subgrade to support a surface course.

**City** shall mean the City of Auburn and/or its designated officials.

**City Engineer** shall mean the City Engineer of the City of Auburn or an authorized representative.

**Emergency condition** shall mean a condition requiring an excavation which results from necessitous circumstances and which could not reasonably have been foreseen at the time that notice regarding the resurfacing of the highway was given. The burden shall in all cases be upon the applicant for a permit to demonstrate the existence of necessitous circumstances and lack of foreseeability of the need for the excavation to the satisfaction of the City Engineer or his designee.

**Emergency excavation** shall mean an excavation which is required by necessitous circumstances and the need for which could not have reasonably been foreseen at the time that notice regarding resurfacing of the highway was given. The burden shall in all cases be upon the applicant for a permit to demonstrate the existence of necessitous circumstances and lack of foreseeability of the need for the excavation to the satisfaction of the City Engineer or his designee.

**Excavation** shall mean any operation in which earth, rock or other material on or below the ground is moved or otherwise displaced, by means of power tools, power equipment or explosives and including digging, ditching, grading, trenching, drilling, augering, tunneling, scraping and cable or pipe driving, excluding tilling of soil and gardening or any agricultural purposes.

**Facility** shall mean any item for use in connection with the storage or conveyance of water, sewage, electronic, telephonic or telegraphic communications, electric energy, oil, gas or other substances and including but not limited to pipes, pipelines, tubes, mains, services, traps, vents, vaults, manholes, meters, gauges, regulators, valves, conduits, wire towers, poles, pole lines, anchors, cables, junction boxes, or any other materials, structures, or objects of any kind or character, whether enumerated herein or not, which is or may be lawfully constructed, left, placed or maintained in, upon, along, across, under, or over any public place.

**Newly constructed, reconstructed or repaved streets** shall mean any street which has been newly constructed, reconstructed or repaved within the past five (5) years.

Permittee shall mean any person who has been issued a permit and has agreed to fulfill all the terms of this article.

Person shall mean and include any person, partnership, firm, association, utility, corporation, company, or organization of any kind.

Street shall mean and include a public street, public easement, public right-of-way, public highway, public alley, sidewalk, or public way accepted or maintained by the City.

Subbase course shall mean the layer or layers of specified or selected material of designated thickness placed on the subgrade to support a base course or a surface course.

Utility shall mean a private company or corporation or quasi-municipal organization under the direction and control of the Public Utilities Commission.

### 3.2 Permits Required

a. Private property excavation permits. A private property excavation permit shall be required for any excavation performed on any private property within a gas danger zone indicated on an official map approved by the Auburn City Council and displayed in the office of the City Engineer. (Attached p. )

b. Street opening permits. A street opening permit shall be required for any excavation, by hand or machinery, performed within any public right-of-way on which the City performs any highway maintenance operations.

c. Entrance permits. An entrance permit shall be required for any construction, alteration, or relocation of any driveway, entrance, or approach or other improvement within any City right-of-way. Entrance permits shall be issued only for the purpose of securing access to property. No part of the right-of-way is to be used for servicing of vehicles, displays, or the conduct of private business.

The location, design and construction of any entrance permitted shall be in accordance with all local, state, and federal laws and regulations and shall include but not necessarily be limited to the following requirements:

1. Sight Distance. All entrances should be so located that vehicles approaching or using the entrance will have adequate sight distance in both directions along the street and to maneuver safely without interfering with traffic. Whenever a new or modified entrance creates a potential hazard for the traveling public, the City Engineer may require "Blind Drive" signs or other warning signs to be posted at the expense of the owner.

2. Grade. The grade of entrances shall be in accordance with the standard details provided by the Maine Department of Transportation and may be modified at the discretion of the City Engineer. (See p. ).

3. Number of entrances. Frontages of seventy-five (75) feet or less shall be limited to one driveway. No more than two entrances (or exits) shall be permitted to any single property tract or business establishment. Additional driveways may be permitted where the frontage exceeds six hundred (600) feet and only after showing of actual convenience and necessity.

4. Sidewalk and curbs. When sidewalk, curbing or curb and gutter is to be removed, it shall be replaced at the expense of the owner at the break points of the entrance. Appropriate terminal curb sections shall be placed at the sides of entrance. All removed granite curbing remains the sole property of the City and shall be transported by the permittee to a storage site selected by the City Engineer.

5. Drainage. Drainage in roadside ditches shall not be altered or impeded, and suitable, approved drainage structures shall be provided at all entrances. Surface drainage shall be provided so that all surface water on the areas adjacent to the road shall be carried away from the road. At no time will the City be responsible for surface water that flows from the City right-of-way onto private property or liable for damages therefrom as a result of poor design or construction of drive entrances.

### 3.3 Application.

(a) No permit shall be issued unless a written application on a form provided by the City for the issuance of a permit is submitted to the office of the City Engineer. The written application shall state the name and address of the applicant, location, nature, and purpose of the work, the date of commencement and the date of completion of the proposed work, signatures of utility approval, the signature of city departments (if involved), and other data as may reasonably be required by the City Engineer. The application shall be accompanied by plans or sketches showing the extent of the proposed improvement, the dimensions and elevations of both the existing ground prior to said improvement and of the proposed surfaces, and other such information as may be prescribed by the City Engineer. In the case of entrance permits, the application shall be accompanied by plans or sketches showing the proposed entrance locations, width and arrangement; distance between entrances; set back of buildings, gasoline pumps, etc., in relation to the centerline of the traveled way; length, size and location of existing pipes, culverts, catch basins or manholes, curbing, gutter, and/or sidewalks, and the proposed location of new pipes, culverts, catch basins or manholes, curbing, etc.

(b) Any person shall have the right to appeal to the Director of Public Works from a denial of an application for an excavation permit under the provisions of this article. Such an appeal may be granted only if the intent of these ordinances or the regulations legally adopted hereunder has been incorrectly interpreted. If the decision of the Director of Public Works is not satisfactory to the applicant, he may appeal on the same grounds to the City Manager whose decision shall be final.



### 3.4 Duration.

Excavation work must be started no later than sixty (60) days from sixty (60) day period, such permit shall become null and void and shall have to be renewed. A five (5) dollar minimum shall be charged for each permit that is voided.

### 3.5 Insurance Requirements.

The applicant, prior to permit approval, shall provide the City Engineer satisfactory evidence in writing that he/she has in force during the performance of the excavation work and the period of the excavation permit public liability insurance without underground (U), explosion or collapse (C) exclusion clause covering his/her operation, his/her agents and the City from all such claims for damages or injuries and naming the City as an additional insured. Amounts as follows:

Bodily Injury Liability	\$500,000 per occurrence
Property Damage Liability	\$500,000 per occurrence

Under unusual or special circumstances, higher limits may be required.

### 3.6 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 the excavation work for which an excavation permit is required under this article; 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.

In the case of an unaccepted street or way, this article shall not be construed as authorizing any action which is inconsistent with any private rights in said street or way, nor shall the issuance of any permit hereunder be construed as an acceptance of said street or way by the City for highway or any other purposes.

### 3.7 Bonding requirements.

Before a street opening permit or an entrance permit is issued, the applicant shall deposit with the Public Works Authority a surety bond, certified check, cashier's check, or an irrevocable letter of credit from a bank. The amount for which shall be based upon the number of square feet of surface to be opened for which he has received street opening permits during the calendar year.

Total square feet of  
surface excavated within  
calendar year

Minimum amount of bond  
or certified check

0 to 250 s.f.	\$ 1500
250 to 500 s.f.	\$ 3000
500 to 1000 s.f.	\$ 5,000
Over 1000 s.f.	\$10,000

### 3.8 Excavation placard.

The City Engineer shall provide each permittee at the time a permit is issued hereunder a suitable placard indicating the name of the contractor, location of excavation, and other pertinent information. It shall be the duty of the permittee to keep the placard posted in a conspicuous place at the site of the excavation work. It shall be unlawful for any person to exhibit such placard at or about any excavation not covered by such permit or to misrepresent any information on the placard.

### 3.9 Clearance for vital structures.

The excavation work shall be performed and conducted so as not to interfere with access to fire stations, fire hydrants, fire escapes, water gates, underground vaults, valve housing structures, traffic signal cables and loops and all other vital equipment as designated by the City.

### 3.10 Routing of traffic.

a. Prior to beginning any excavation adjacent to or being used by the traveling public, the permittee shall submit a traffic control plan indicating the type and placement of all traffic control devices to be used within the work area. All traffic control devices shall conform to the Manual on Uniform Traffic Control Devices. The permittee shall continuously maintain the traffic control devices in their proper position, clean, legible and in good repair throughout the duration of the work. If notified that the traffic control devices are not in place or not properly maintained, the permittee may be ordered to immediately suspend work until all deficiencies are corrected.

b. The permittee shall take appropriate measures to assure that during the performance of the excavation work, traffic conditions as near normal as possible shall be maintained at all times so as to minimize inconvenience to the occupants of the adjoining property and to the general public. The permittee shall route and control his/her vehicles used in the work in accordance with any directives issued by the Chief of Police or other official of the Auburn Police Department acting in his behalf.

c. The permittee shall in general maintain safe crossings for two lanes of vehicular traffic at all street intersections where possible, and safe crossings for pedestrians at intervals of not more than two hundred (200) feet. If any excavation is made across any public street, alley, or sidewalk, adequate crossings shall be maintained for vehicles and for pedestrians unless otherwise approved with special conditions, (i.e. flaggers, well-lit barricades, etc.). In order to expedite the flow of traffic or to abate a dirt or dust nuisance, the City Engineer may require the permittee to provide toe boards or bins; and if the area is muddy and causes inconveniences to pedestrians, temporary wooden plank walks shall be installed by the permittee as directed by the City Engineer. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, the permittee shall keep a passageway at least one-half the sidewalk width open along such sidewalk line.

d. The City Engineer may require special police protection furnished by the permittee at his expense, at locations where the excavation work interferes with school walk routes or school crossing locations.

e. The City Engineer may, with the approval of the Auburn Police and Fire Departments, permit that the street or a portion thereof be temporarily closed to traffic during the progress of the work. Such permission may require that the permittee give notification to various public agencies and to the general public. Upon completion of the construction work, the permittee shall notify the City Engineer and the Auburn Police Department before traffic is moved back to its normal flow so that any necessary adjustments may be made.

### 3.11 Protective measures.

The permittee shall erect such fence, railing or barriers about the site of the excavation work as shall prevent danger to persons using the City streets or sidewalks, and such protective barriers shall be maintained until the work shall be completed or the danger removed. During hours of darkness, warning lights shall be placed on vertical panels, drums, barricades, and barriers. Exceptions may be made by the City Engineer in areas where high levels of illumination exist.

### 3.12 Relocation and protection of utilities.

The permittee shall not interfere with any existing facility without the written consent of the City Engineer and the owner of the facility. If it becomes necessary to relocate or remove an existing facility this shall be done by its owner. No facility 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 facilities shall be borne by the permittee unless he makes other arrangements with the owner of the facility. The permittee shall support and protect by timbers or otherwise all pipes, conduits, poles, wires 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 the work. The permittee shall secure approval of method of support and protection from the owner of the facility. In case any of the pipes, conduits, poles, wires or apparatus should be damaged, and for this purpose pipe coating or other encasement or devices are to be considered as part of a substructure, the permittee shall promptly notify the owner thereof. All damaged facilities shall be repaired by the agency or person owning them and the expense of such repairs shall be charged to the permittee. It is the intent of this section that the permittee shall assume all liability for damage to facilities and any resulting damage or injury to anyone because of such facility damage and such assumption of liability is a contractual obligation of the permittee. The only exception will be such instances where damage is exclusively due to the negligence of the owning utility. The City shall not be made a party to any action because of this section. The permittee shall inform itself as to the existence and location of all underground and overhead utilities and protect the same against damage.

### 3.13 Abandonment of structure.

a. Whenever the use of a substructure is abandoned, the person or utility owning, using, controlling, or having an interest therein, shall within thirty (30) days after such abandonment, file with the City a written statement giving in detail a description (i.e. type, size, and condition) and the location of the substructure so abandoned. If such abandoned substructure is in the way, or subsequently becomes in the way, of an installation of the City or any other public body, the owner of such substructure, after having been contacted by the excavator, shall establish if the substructure is abandoned and, if necessary, make the first cut or tap before allowing the substructure to be removed by the excavator.

b. When gas or other flammable service to buildings is discontinued, the existing service line shall be terminated at a point outside the building.

### 3.14 Protection of public and private property.

a. The permittee shall at all times and at his own expense preserve and protect from injury any adjoining property by providing proper foundations and taking other measures suitable for the purpose. Where in the protection of such property it is necessary to enter upon private property for the purpose of taking appropriate protective measures, the permittee shall obtain written permission from the owner of such private property for such 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 to properly 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 trenches have been backfilled as required in this ordinance. All construction and maintenance work shall be done in a manner calculated to

leave the lawn area free of debris and excess earth and in a condition as nearly as possible to that which existed before such work began.

b. No person or utility shall remove, damage, haul away or cause misalignment of any granite curbing, including radius curb and catch basin stones, for any reason whatsoever without first receiving written permission from the City Engineer. Permission shall be granted only upon condition that any curb missing, damaged or misaligned shall be replaced or aligned by the permittee. Replacement or realignment shall be done in a manner and under specifications prescribed by the City Engineer and be subject to inspection; the work shall be completed within a period of ninety (90) days of the date the permit was issued. The permittee shall for a period of one (1) year thereafter be fully liable for all defects in materials and for a period of three (3) years thereafter be fully liable for all workmanship relating to improvements or repairs and shall promptly repair or replace the same upon notice of the City Engineer and to the satisfaction thereof.

All granite that is removed with the permission of the City Engineer, shall be transported by the permittee to a storage site selected by the City. All excavated granite curbing remains the sole property of the City.

c. The permittee shall not remove, even temporarily, any trees or shrubs which exist in the street area without first obtaining the consent of the appropriate city department or city official having control of such property, or in the case of private property the property owner.

d. The permittee shall not disturb or remove any monuments of concrete, granite, iron, or other lasting material set for the purpose of locating or preserving the lines of any street or property subdivision, or a precise survey reference point or a permanent survey bench mark without first obtaining written permission from the City Engineer. Permission shall be granted only when no alternate route for the proposed substructure or conduit is available. If the City is satisfied that no alternate route is available, permission shall be granted only upon condition, by agreement in writing, that the person or utility applying for such permission shall pay all expense incident to the proper replacement of this monument by the City.

### 3.15 Breaking through pavement.

a. All excavations on paved streets and sidewalks shall be pre-cut in a neat straight line with pavement breakers or saws.

b. Heavy duty pavement breakers may be prohibited by the City when the use endangers existing substructures or other property.

c. Cutouts of the trench lines must be normal or parallel to the trench line.

d. Pavement shall be removed to at least six inches beyond the outer limits of the subgrade to be disturbed. Pavement edges shall be trimmed to a vertical face and neatly aligned with the centerline of the trench to allow for proper compaction within the entire trench area.

e. Unstable pavement shall be removed over cave-outs and overbreaks and the subgrade shall be treated as the main trench.

f. Whenever a part of a block, square or section of curb, concrete sidewalk or driveway is broken or damaged by the permittee, the entire block, square or section shall be removed to the score, groove or saw cut line and replaced or reconstructed. Where the line of cut would be less than two feet from an existing expansion or weakened plane joint, the concrete shall be removed to said joint.

g. The permittee shall not be required to pay for repair of pavement damage existing prior to the excavation unless his/her cut results in small floating sections that may be unstable, in which case, the permittee shall remove the unstable portion and the area shall be treated as part of the excavation.

h. When three (3) or more street openings are made in sequence fifteen (15) feet or less, center to center, between each adjacent opening, or when less than three (3) feet of pavement remains between any two street openings, the permittee shall neatly cut and remove the area of pavement between these adjacent openings and shall patch as one trench. As an alternative, the permittee may choose to strip overlay the work area.

i. All granite pavement blocks or cobblestones in the way of excavation shall be removed by the permittee prior to the commencement of work and transported to a storage site to be selected by the City. All excavated granite blocks and cobblestones remain the sole property of the City.

### 3.16 Trenches.

a. No opening or excavation in any arterial or collector street shall extend beyond the centerline of the street before being backfilled and the surface of the street temporarily restored. (Attached p. ).

b. No opening or excavation shall extend more than two hundred (200) feet longitudinally in any street at any time for pavement removal, excavation, construction, backfilling, patching or any other operation without the written approval of the City Engineer.

### 3.17 Tunneling and boring.

Tunneling and/or boring shall not be permitted except by permission of the City Engineer.

### 3.18 Care of excavated material.

a. All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such 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, 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 backfilling. It shall be the responsibility of the permittee to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

b. When any earth, gravel, or other excavated material is caused to roll, flow, or wash upon any street, the permittee shall cause the same to be removed from the street within eight (8) hours after deposit.

### 3.19 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 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 provisions to take care of all surplus water, muck, silt, slickings or other runoff pumped from excavations or resulting from sluicing or other operations and shall be responsible for any damage resulting from its failure to so provide.

### 3.20 Trench subgrade.

The bottom of the trench shall be prepared to provide a firm foundation for the pipe or facility in accordance with the bedding conditions specified for the type of pipe or facility to be installed. The subgrade of the trench shall be kept free of standing water. Where the trench subgrade material is found to be unsuitable and does not afford a solid foundation, the contractor shall excavate to such depth as necessary to construct a stable foundation. A stable foundation shall be constructed by placing crushed rock or other approved material.

### 3.21 Backfilling of excavation.

a. The City Engineer must be notified by the permittee no less than four (4) working hours prior to the beginning of backfilling unless other arrangements have been made with the City Engineer.

b.1. Backfilling shall be so placed that the pipe will not be displaced or damaged. Backfill material to be placed between the bottom of the trench and one foot above the crown of the pipe or structure shall be fine readily compressible soil or granular material, at or near optimum moisture content, and shall not contain stones larger than three (3) inches, frozen lumps, broken pavement, debris, or any other objectionable material. The material shall be uniformly distributed in layers of not more than six (6) inches, loose measure and each layer thoroughly compacted by use of approved compacting equipment before successive layers are placed. Layers that are hand tamped shall not exceed four (4) inches in thickness. Operations shall be so conducted that the fill is always at approximately the same elevation on both sides of the structure. Water shall be added when necessary to increase the moisture content of the backfill material to obtain compaction.

b.2. Backfill material to be placed between the one foot lift above the structure to within the subbase course of the pavement structure, may be material originating on the job, provided that such material does not



contain stones larger than three (3) inches, frozen lumps, or any other objectionable material. In most cases, the backfill material shall closely conform to type, condition, and depth of that which existed prior to excavation and shall be carefully replaced in kind, (i.e. in the same manner and order in which it was removed). The selected material shall be uniformly distributed in layers of not more than six inches, loose measure and each layer thoroughly compacted by use of approved mechanical compacting equipment. Layers that are hand tamped shall not exceed four (4) inches in thickness. The City Engineer may require soil tests to be furnished by a recognized soil testing laboratory or registered professional engineer specializing in soil mechanics when, in his/her opinion, backfill for any excavation is not being adequately compacted. In order for the resurfacing to be permitted, such tests must indicate that the backfill material meets or exceeds the minimum requirements as prescribed by the City Engineer. The cost of such tests shall be borne by the permittee.

c. Backfilling by means of water settlement or jetting will not be allowed unless specifically authorized by the City Engineer.

d. The permittee, during winter or spring of the year when freeze/thaw cycles are present, and in cases where adequate compaction cannot be achieved, may be required to place diggable concrete or other such unshrinkable material that the City Engineer may deem necessary in order to prevent damage to public or private property or to minimize inconvenience to traffic.

### 3.22 Surface restoration of streets and sidewalks.

a. The permittee shall restore the surface of all streets broken into or damaged as a result of the excavation work, to its original condition in accordance with the specifications of the City Engineer. The permittee shall notify the City Engineer no less than four (4) working hours prior to making the final restoration.

b. Refilling of bar holes. Any person or utility making bar holes in the street or sidewalk of any public place, shall immediately upon completion of the work, fill said bar holes by the method set forth below:

1. Bar holes shall be plugged by the use of asphalt plugs.

2. Size of asphalt plug to be used shall be as follows:

Size of Plug (inches)	Approx. Drill Size (inches)	Top Diam. Plug (inches)
3/4	3/4	1
7/8	1	1-1/4
1-1/8	1-1/4	1-1/2
1-1/4	1-1/2	1-3/4
1-3/4	2	2-1/4
2	2-1/4	2-1/2

If the permittee fails to plug bar holes immediately upon the completion of work, the City shall issue no further permits to said permittee until such work has been completed.

c. Temporary resurfacing. The top surface of backfill shall be covered with three (3) inches compacted depth of bituminous temporary resurfacing material by the permittee. Such temporary paving material shall be cold mix, except that the permittee may use or the City Engineer may require hot bituminous concrete. All temporary paving material shall be compacted so that is hard enough and smooth enough to be safe for pedestrian travel over it, as well as for vehicular traffic to pass safely over it at a legal rate of speed. The permittee shall maintain the temporary paving for a period not to exceed six (6) months. At which time, the permittee shall make a permanent restoration. If it is not possible to maintain the surface of the temporary paving in a safe condition for pedestrian and/or vehicular traffic, the permittee shall maintain barriers and lights where required herein until a permanent restoration has been made.

d. Permanent resurfacing. The necessary replacement of emulsified asphalt or penetration type pavement shall be done with an approved bituminous cold mix and shall be compacted with approved equipment in layers not exceeding two (2) inches of compacted depth. The minimum total compacted depth of replaced pavement shall be three (3) inches and where deemed necessary by the City Engineer, the thickness may be increased to that which best satisfies the condition. The final layer of pavement shall match the grade of the adjacent pavement area.

Where the existing pavement is bituminous concrete, the pavement replacement shall be constructed of an approved hot bituminous concrete mixture and shall be compacted with approved equipment in layers not exceeding two (2) inches of compacted depth. The final layer shall have a thickness of not less than one inch and not more than one and one-half (1-1/2) inches. The minimum total compacted depth of replaced pavement shall be three (3) inches on residential and minor collector streets and five (5) inches on arterial and major collector streets. Where deemed necessary by the City Engineer, the thickness of pavement may be increased to that which best satisfies the condition. The final layer of pavement should match the grade of the adjacent pavement area. All exposed vertical pavement edges and final layer bases shall be coated with an approved tacking or bonding agent.

Replacement of portland cement concrete pavements shall be with an approved portland cement concrete mixture and with reinforcement and thickness equal to that which was removed during the opening. Applicable aforementioned grading specifications shall be required.

If the City Engineer finds that paving surfaces adjacent to the street opening may be damaged or distressed as a result of excavating, or where a number of cross trenches are laid in close proximity to one another, or where the equipment used may cause such damage, he/she may require that the permittee make arrangements for the resurfacing in place of patching of such street.

e. The permittee shall notify the City Engineer in writing upon completion of all work accomplished under the provisions of the permit. A certificate of approval will be issued by the City Engineer to each permittee upon final inspection provided that the work authorized by the permit has been performed according to City specifications. The permittee shall for a period of three (3) years thereafter, be fully liable for all defects in materials and workmanship relating to such resurfacing and shall promptly repair or replace the same upon notice of the City Engineer.

The permittee shall repair or cause to have repaired any settlement or defects in a restored area within fifteen (15) calendar days. If the defect creates a hazardous situation for pedestrian or vehicular traffic, the permittee shall repair or replace the same with a temporary or permanent patch as soon as possible but no later than twenty-four (24) hours. If it is not possible to correct the defect within twenty-four (24) hours, the permittee shall maintain barriers and lights where required herein until a temporary or permanent patch can be made. Upon completion of the permanent patch, the permittee shall again for a period of three (3) years thereafter, be fully liable for all defects in materials and workmanship relating to such resurfacing.

### 3.23 Repairing and backfilling by the City.

a. If the work or any part thereof mentioned in this article for repairing or backfilling the trenches or excavations shall be unskillfully or improperly done, the City shall cause the same to be skillfully and properly done and shall keep an account of the expense thereof and in such case, such person or utility shall pay the City an amount equal to the whole of the incurred expense by the City with an additional amount of fifty (50) percent. Thereafter, upon completion of the work and the termination of the cost therein, the City shall not issue any new permits to any person or utility until it shall receive payment of such outstanding bill.

b. 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 three (3) years after it has been restored to its original condition.

c. Any person or utility who continues to violate this section of the article shall receive no further permits until such time as the City is satisfied that the person or utility shall comply with the terms of this article.

### 3.24 Prompt completion of work.

After an excavation is commenced, the permittee shall prosecute with diligence and expedition all excavation work covered by the excavation permit and shall promptly complete such work and restore the street as specified in this article. The permittee shall perform such restoration work so as not to obstruct, impede or create a safety hazard to pedestrian or vehicular traffic.

## 3.25 Urgent work.

If the safety or convenience of the traveling public or the public interest require, the City Engineer may order that work be performed only during certain hours of the day, that work be expedited by being performed on an around-the-clock basis, or impose such other conditions upon the performance of the work as he/she may deem necessary under the circumstances presented. Where feasible, any such conditions will be set forth in or attached to the permit. The City Engineer will maintain an updated list of those streets or portions of streets on which overtime work shall or may be required which will be distributed to the utility companies and contractors in the area who perform such work and which will be available upon request at the office of the City Engineer.

## 3.26 Emergency action.

In the event of any emergency in which a conduit, pipe, 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 facility, 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. 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 City Engineer's office is open for business, and shall not proceed with permanent repairs without first obtaining an excavation permit hereunder.

## 3.27 Noise, dust, debris.

Each permittee shall conduct and carry out the excavation work in such a 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 10:00 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.

## 3.28 Excavation During Winter

No person or utility shall be granted a permit to excavate or open any street or sidewalk from the November 15th of each year to April 15th of the following year unless an emergency condition exists. Any person or utility wishing to obtain a street opening permit between the aforementioned dates shall first explain fully in writing the emergency situation existing to the City before issuance is granted. If a hazardous condition exists which could endanger the property, life, health or safety of any individual, excavation work shall not be delayed by this section.

### 3.29 Excavation on reconstructed streets.

Whenever the City has developed plans to pave, repave, or reconstruct a street, the City or its representative shall give notice thereof to all abutting property owners, to the City departments, and to all public utilities which have or may wish to lay pipes, wires or other facilities in or under the highway. Upon receipt of such written notice, such person or utility shall have sixty (60) days in which to install or lay any such facility. If an extension of time is needed by a person or utility for the installation of such facilities, the person or utility shall make written application to the City Engineer explaining fully the reasons for requesting such an extension of time. At the expiration of the time fixed and after such street has been paved or repaired, no permit shall be granted to open such street for a period of five (5) years unless an emergency condition exists.

### 3.30 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.

### 3.31 Maintenance of drawings.

Every person or utility owning, using, controlling, or having an interest in substructures, under the surface of the public way used for the purpose of supplying or conveying gas, electricity, communication, impulse, water, steam, ammonia or oil in the city, shall file with the City Engineer, a copy of construction plans drawn to a scale adequate to show in detail the plan, location, size and type of installation, if known, of all new or renewed substructures, except service lines designed to serve single properties. These maps shall be provided to the City Engineer's office no later than sixty (60) days after the completion date of construction.

### 3.32 Annual work program to be submitted by utilities.

Each year on or before March 31, for the purpose of coordinating construction programs, each utility shall submit to the City Engineer, its planned short range (1-2 years), and if available, its planned long range (5-10 years) work programs which shall not include emergencies as defined in section 3.26 and normal house service lines. Thereafter, no permit shall be issued to a utility for excavations not contained within its planned work program, except for emergencies and house service lines, until a prior written application for such excavation shall have been submitted to and approved by the City Engineer.

\* 3.33 PENALTIES

Any person, firm, or corporation who violates any of the provisions of this chapter shall be subject to the enforcement procedures and penalties set forth in 30A M.R.S.A. Section 4452. Alternatively, such violations may be processed in accordance with the citation system established in Chapter 33 of these ordinances.

If the work or any part thereof mentioned in the preceding sections of repairing and backfilling the trenches or excavation aforesaid shall be unskillfully or improperly done, the City shall cause, through private contract, the same to be skillfully and properly done, and shall keep an account of the expense incurred by said City with an additional amount of fifty (50) percent. Bills rendered in accordance with this section shall be due and payable by the permittee immediately upon receipt thereof. If a permittee shall not pay any such bill within thirty (30) days of receipt, the City shall promptly take action to exercise the performance bond of the permittee for the purpose of recovering all expenses incurred by the City.

Any person or utility who continues to violate any section of this Ordinance shall receive no further permits until such time as the City Engineer is satisfied that the person or utility shall comply with the terms of this ordinance.

## 3.34 Fees and charges.

The following charges are hereby established as being not in excess of the reasonable cost of inspection and monitoring of street and sidewalk openings and entrance permits under this article:

1. Street Opening Charges (per square foot)	
(\$5.00 minimum total charge; \$350.00 maximum charge for a single continuous work area).	
a. Newly Constructed, Reconstructed, or Repaved Streets Only:	\$ 3.00 / S.F.
b. Paved Streets	2.50
c. Gravel Streets and Shoulders	1.50
d. Construction Areas, (i.e., Streets scheduled for full-depth reconstruction).	5.00 total
2. Sidewalks	
a. Concrete	1.50 / S.F.
b. Brick	1.50
c. Bituminous Concrete	1.00
d. Gravel	0.75
3. Other Charges	
a. Esplanade	0.50 / S.F.
b. Granite Curbing	1.00 / L.F.
c. Bituminous Curbing	0.75 / L.F.
d. Entrance Permit	10.00
4. Private Property	no charge

## 3.35 Billing procedures.

Upon completion of the excavation work, a measurement shall be made by the City of the size of the opening and a bill will be mailed to the permittee. The cost of monitoring and inspecting of the opening will be a product of the total number of square feet multiplied by the rate as set forth herein. Bills rendered in accordance with this section shall be due and payable by the permittee immediately upon receipt thereof. If a permittee shall not pay any such bill within thirty (30) days after receipt, the City shall issue no further permits to any such permittee until it receives payment of such outstanding bill.

\* ARTICLE 4 - Curfew

Section 4.1 Definitions

The following definitions shall apply in the interpretation and enforcement of this article:

- (a) Child or juvenile means any person not having attained or reached his seventeenth birthday.
- (b) Suitable protector is someone of suitable maturity and character to protect and care for a child or juvenile.

Section 4.2 Use of Streets Restricted

No child or juvenile shall remain in or upon any street, park or public place in the City between the hours of 10:00 p.m. and 5:00 a.m. of the following day unless accompanied by a parent, legal guardian or suitable protector, or while in the performance of some lawful employment or while in the course of active travel over said streets, park or public places between a specific place of origin and a specific destination.

Section 4.3 Procedures for Handling Violators

Any child or juvenile found violating the provisions of section 4.2 of this article by any law enforcement official, shall be taken into protective custody by said law enforcement officer. The parent or suitable protector shall be notified that said child or juvenile is in protective custody. The parent or suitable protector shall be required to take custody of said or juvenile upon arrival at the police station.

Section 4.4 Penalty

Any parent or person having custody of any child or juvenile who shall permit such child or juvenile to violate the provisions of section 4.2 of this article at any time after being notified as provided in section 4.3 of this article of a prior violation of section 4.2 by such child or juvenile shall be subject to a civil penalty of not more than \$500 to be recovered for use of the City of Auburn. Any child or juvenile who violates section 4.2 of this article shall be subject to a civil penalty of up to \$500 to be recovered for the use of the City of Auburn.

\*Amended 11/21/88



## ARTICLE 5 - DIRECTIONAL SIGNS

## Section 5.1 Purpose and Policy

The purpose of this Article is to provide tourists and travelers with information and guidance concerning public accommodations, facilities, commercial services, and other businesses and points of scenic, cultural, historic, educational, recreational, agricultural, and religious interest. To provide this information and guidance, it is the policy of the City to establish and maintain a system of official business directional signs; to prohibit and control the proliferation of roadside signs; and to provide a uniform procedure and criteria to govern their location and approval consistent with State laws governing official business directional signs.

## Section 5.2 Definitions

Unless another meaning is given expressly or by clear implication, all terms used in this Article shall have the meanings set forth in 23 M.R.S.A. ss1903 (1964.)

## Section 5.3 Eligibility

Lawful businesses and points of interest and cultural, historic, recreational, educational, and religious facilities are eligible to contract with the State for the placement of up to six official business directional signs within the City, but only at the intersections or locations listed in Section 5.4.

## \* Section 5.4 Location

Official business directional signs shall be located in accordance with the provisions contained in 23 M.R.S.A. ss1911-1912 and Chapter 200 of the Department of Transportation administrative guidelines on approaches to or at the following intersections designated by the City Council:

Turnpike Connector/Lewiston Junction Road  
 Turnpike Connector/Washington Street  
 Turkey Lane/Washington Street  
 Route 122/Hotel Road  
 Beech Hill Road/Washington Street  
 Old Danville Road/Danville Corner Road  
 Merrow Road/Hotel Road  
 Turnpike Connector/Hotel Road  
 Rodman Road/Washington Street  
 Rodman Road/Poland Road  
 Rodman Road/Manley Road  
 Rodman Road/Hotel Road  
 Hotel Road/Minot Avenue  
 Upper Court Street/Minot Avenue  
 Fairview Avenue/Minot Avenue  
 City  
 High Street/Minot Avenue

Broad Street/Mill Street  
 Riverside Dr/Mill Street  
 Court St/Union St Bypass  
 Court Street/Goff Street  
 Court Street/Turner Street  
 Turner St/Union St Bypass  
 Center St/North River Road  
 Park Avenue/Mt Auburn Ave.  
 Gracelawn Rd/Mt Auburn Ave.  
 Center St/Mt Auburn Avenue  
 Youngs Corner Rd/Hotel Rd  
 Youngs Corner Road/  
 Perkins Ridge Road  
 Lake Shore Drive/Route 4  
 West Hardscrabble Road/  
 Lewiston Junction Rd  
 Minot Avenue/Hatch Road  
 (Northerly direction  
 only)

High Street/Academy Street	Park Avenue/Gamage Avenue
Main Street/Academy Street	Perkins Ridge Road/Hatch Road
South Main Street/Mill Street	(Welcomb's Corner)
Lake Shore Drive/North Auburn Road	Center Street/Stetson Road
Center Street/Fair St., Martin Street	Fair Street/Oak Hill Road
Washington Street *(SB) Miami Avenue	Hotel Road/Manley Road
Washington Street *(NB) Miami Avenue	Summer Street/Youngs Corner Road
Washington Street (SB) Phil-O-Mar Street	Riverside Drive/Penley Corner Road
Washington Street (NB) Phil-O-Mar Street	Rodman Road/Twin Road
Washington Street (NB) Chasse Street	Washington Street (NB) Adams Street
Washington Street (SB) Chasse Street	First Ave/Rotary Reverse Direction
**Washington Street (NB) Hackett Road	Connectors
	**Hackett Road/Broad Street

## SECTION 5.5 DESIGN, INSTALLATION AND MAINTENANCE

Official business directional signs shall be designed, installed and maintained in accordance with the provisions of 23 M.R.S.A. ss1901-1925, dated 1981, and Chapter 200 of the Department of Transportation administrative guidelines. Signs shall be non-reflectorized and no larger than 12 X 48 inches, except that a reflectorized sign of any permissible size may be permitted on an existing sign assembly displaying a reflectorized sign of the same size if such sign assembly was legally erected prior to October 7, 1985.

## SECTION 5.6 APPLICATION

Application for an official business directional sign shall be made on forms furnished by the Maine Department of Transportation. Completed applications shall be submitted to the Department of Community Development and Planning for review. Upon receipt of the completed application, the Department shall review the request to insure that it conforms with the provisions of this Article and shall approve, conditionally approve or reject the request based on its findings. If disapproved by the Department, the reasons for disapproval shall be communicated to the applicant in writing. Any person aggrieved by the decision of the Department may appeal to the Androscoggin County Superior Court within 30 days of receipt of the Department's decision. If approved, the applicant may then forward the approved application and the license fee prescribed by the State law to the State of Maine Commissioner of Transportation for approval or disapproval.

## SECTION 5.7 APPLICATION OF OTHER ORDINANCES

The provisions of this Article shall apply only to official business directional signs. All other signs shall continue to be governed by Section 4.2 of Chapter 29 of the Auburn Ordinances.

## SECTION 5.8 PENALTY

Any person who violates any of the provisions of this Article shall be guilty of a civil infraction, and shall be subject to a fine of \$100 to be paid to the City of Auburn for each such offense. Each day that such violation is permitted to continue after notification by the Department of Community Development and Planning shall constitute a separate offense.

\* (NB & SB) = Northbound \* Southbound

\*\* added 3/20/95

\* ARTICLE 6 - ASSESSMENTS FOR SNOW REMOVAL COSTS

\* Deleted in its entirety 6/18/90

\* ARTICLE 7 - WEIGHT LIMITATIONS ON CERTAIN ROADS

Section 7.1 8,000 Pound Limitation

No vehicle weighing more than 8,000 pounds, vehicle and load combined, nor any vehicle imparting to the road surface a pressure exceeding 400 pounds per inch of tire width (manufacturer's rating) shall be permitted on the streets, roads and highways of Auburn listed below, between the dates of March 1st and May 31st of each year, except when the surface of the road is solidly frozen, in which case permission from the Highway Superintendent shall be obtained.

Bailey Road (Minot town line to Sturkes Road)  
Brown's Crossing Road  
Butler Hill Road  
Fickett Road  
Foster Road (end of paved portion to town line)  
Hadfield Road  
Hobart Road  
Jacques Road  
Jordan School Road (Riverside Dr. to Sopers Mill Road) and  
Jordan School Road (Pownal Road to New Gloucester town  
line/Ben Goding Road - Dead End)  
Lane Road  
Lunn Road  
Mine Road  
Oakes Road  
Small Road  
Sopers Mill Road (Jordan School Road southerly to the end)  
Spring Road (Bird Flats Road)  
Steele Road  
Stone Road  
Sturkes Road (Turner Town line to Minot town line)  
Woodbury Road (Old Maid's Road)

Section 7.2 16,000 Pound Limitation

No vehicle weighing more than 16,000 pounds, vehicle and load combined, nor any vehicle imparting to the road surface a pressure exceeding 400 pounds per inch of tire width (manufacturer's rating) shall be permitted on the streets, roads and highways of Auburn listed below, between the dates of March 1st and May 31st, except when the surface of the road is solidly frozen, in which case permission from the Highway Superintendent shall be obtained.

Beaver Road  
Beech Hill Road  
Blanchard Road  
Danville Corner Road  
Deer Rips Road  
Dillingham Hill Road  
East Hardscrabble Road  
East Waterman Road  
Foster Road (Hotel Road to end of pavement)  
Fletcher Road

## Section 7.3 Posting

Prior to March 1st in each year, a notice shall be in place in a conspicuous location at each end of the roads enumerated in the preceding sections stating the periods of closing and the restrictions imposed.