

# Chapter 10 Roads and Streets

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## **Chapter 10 Roads and Streets**

### **Article 1 Capital Improvements**

#### **SEC. 10-101 Road and Street Paving Program**

*Approved November 6, 1979.*

#### **SEC. 10-102 Financing Construction of a Salt and Sand Storage Building**

Be it ordained by the Bucksport Town Council, in Town Council assembled, that the Town Council be and is hereby authorized to expend a sum not to exceed fifty-five thousand dollars (\$55,000) to construct a salt and storage building. Said expenditure to be financed by general obligation borrowing or other terms and conditions as determined by the Bucksport Town Council.

*Approved October 24, 1985.*

#### **SEC. 10-103 Financing Construction of Road Improvements**

Be it ordained by the Bucksport Town Council, in Town Council assembled, that the Town Council be and is hereby authorized to expend a sum not to exceed one hundred thousand dollars (\$100,000) for street and road improvements, said expenditures to be financed by terms and conditions as determined by the Bucksport Town Council.

*Approved October 24, 1985*

#### **SEC. 10-104 Financing Reconstruction of the Jewett School Playground**

Be it ordained by the Bucksport Town Council, in Town Council assembled, that the Town Council be and is hereby authorized to expend forty-eight thousand dollars (\$48,000) to reconstruct the Jewett School Playground. Said expenditure to be financed by terms and conditions as determined by the Bucksport Town Council.

*Approved October 24, 1985.*

#### **SEC. 10-105 Financing Highway Improvements**

Be it ordained by the Bucksport Town Council, in Town Council assembled, that the town Council be and is hereby authorized to expend a sum not to exceed one hundred thousand dollars (\$100,000) for street and road improvements, said expenditures to be financed by terms and conditions as determined by the Bucksport Town Council.

*Approved October 9, 1986.*

#### **SEC. 10-106 Financing Interceptor Sewers and Treatment Facility**

Be it ordained by the Bucksport Town Council, in Town Council assembled, that the Town Council be and is hereby authorized to borrow up to seventy-five thousand dollars (\$75,000) to complete the financing of the Wastewater

Treatment Plant and Interceptor Sewers. This would be in addition to what was previously approved. Funding package is as follows:

Sewer Project Reserve	\$235,000.00
Previous borrowing Authorized	585,000.00
Present Borrowing Requested	<u>75,000.00</u>
	\$895,000.00

*Approved October 9, 1986.*

**SEC. 10-107 Financing Design for Central Street and Nicholson Avenue Sewers**

Be it ordained by the Bucksport Town Council, in Town Council assembled, that the Town Council is hereby authorized to expend a sum not to exceed forty thousand dollars (\$40,000) for design of sewers on Nicholson Avenue and Central Street, said expenditures to be financed by terms and conditions as determined by the Bucksport Town Council.

*Approved October 9, 1986.*

**SEC. 10-108 Financing Highway Improvements**

Be it ordained by the Bucksport Town Council, in Town Council assembled, that the Town Council be and is hereby authorized to expend a sum not to exceed one hundred thousand dollars (\$100,000) for street and road improvements, said expenditures to be financed by terms and conditions as determined by the Bucksport Town council.

*Approved October 8, 1987.*

**SEC. 10-109 Financing the Town Office**

Be it ordained by the Bucksport Town Council, in Town Council assembled, that the Town Council be and is hereby authorized to borrow, by general obligation bonds, an amount not to exceed one hundred fifty-five thousand dollars (\$155,000) at such terms as set by the Town Council, for the purpose of completing the financing for a new Town Office, and the total cost not to exceed four hundred twenty-two thousand dollars (\$422,000). The total financing package would be as follows:

Town Office Reserve	\$242,000.00
Appropriation	25,000.00
Borrowing Request	<u>155,000.00</u>
	\$422,000.00

*Approved October 8, 1987.*

**SEC. 10-110 Financing Sewer Extensions on Central Street and Nicholson Avenue**

Be it ordained by the Bucksport Town Council, in Town Council assembled, that the Town Council be and is hereby authorized to borrow in general obligation bonds, an amount not to exceed four hundred twenty-five thousand, five hundred dollars (\$425,500) for construction of sewer extensions on Nicholson Avenue, Central Street and Buck Development. Be it further ordained that repayment of the principal and interest of the bonds will be as follows: The Town will pay interest and principal for an amount equal to two thousand dollars (\$2,000) per

user, or one hundred fifty-eight thousand dollars (\$158,000); and the new sewer users to be served by the Town sewer extension will pay by means of an adjusted sewer user fee, the principal and interest for an amount not to exceed two hundred sixty-seven thousand, five hundred dollars (\$267,500). Be it further ordained that the issuance of bonds and expenditure of funds would not occur until at least eighty-five percent (85%) of the eligible users agree to hook up.

*Approved October 16, 1987.*

**SEC. 10-111 Financing Architectural Fees and Associated Cost for a New K-3 School**

Be it ordained by the Bucksport Town Council in Town Council assembled, that the Town Council be and is hereby authorized to expend a sum not to exceed forty thousand dollars (\$40,000) for the purpose of preparing preliminary plans and associated costs for a new K-3 School, said expenditure to be financed by terms and conditions as determined by the Bucksport Town Council.

*Approved May 3, 1988.*

**SEC. 10-112 Financing a New K-3 School**

Be it ordained by the Bucksport Town Council in Town Council assembled, that the Town Council be and is hereby authorized to borrow in general obligation bonds an amount not to exceed four million, three hundred eight thousand, six hundred dollars (\$4,308,600.00) at such terms as set by the Town Council and such funds be expended in an amount not to exceed four million, three hundred eight thousand, six hundred dollars (\$4,308,600.00) for a school construction project consisting of the construction and equipping of a Kindergarten to Grade Three School to be located on property located behind the Bucksport High School.

That the entire additional operating cost of the new project during its first two (2) years shall be borne by revenues raised by the Town of Bucksport. The estimated amount of the additional operating costs during each of the first two (2) years is seventy-seven thousand, five hundred ninety-one dollars (\$77, 591.00) for the first year and eighty-three thousand, thirty three dollars (\$83,033.00) for the second year.

The Town of Bucksport shall be responsible for the local share of debt service allocations to be calculated in accordance with State laws.

*Approved November 8, 1988.*

**SEC. 10-113 Financing Additional Gymnasium Space**

Be it ordained by the Bucksport Town Council in Town Council assembled, that the Town Council be and is hereby authorized to borrow in general obligation bonds, in addition to the funds required to construct and equip the new Kindergarten to Grade Three School, an amount not to exceed one hundred fifty-six thousand dollars (\$156,000.00) at such terms as set by the Town council, and such funds be expended in an amount not to exceed one hundred fifty-six

thousand (\$156,000.00) for construction of additional gymnasium space at the new Kindergarten to Grade Three School for recreational purposes.  
*Approved November 8, 1988.*

**SEC. 10-114 Financing Highway Improvements**

Be it ordained by the Bucksport Town Council in Town Council assembled, that the Town Council be and is hereby authorized to expend a sum not to exceed one hundred ten thousand dollars (\$110,000) for street and road improvements, said expenditures to be financed by terms and conditions as determined by the Bucksport Town Council.  
*Approved September 28, 1988.*

**SEC. 10-115 Financing Sewer Improvements**

Be it ordained by the Bucksport Town Council in Town Council assembled that the Town Council be and is hereby authorized to borrow in general obligation bonds an amount not to exceed four hundred thousand dollars (\$400,000) at such terms as set by the Town Council and such funds to be expended for the constructing and replacing of sewer lines throughout the Town. It is also understood that repayment of the principal and interest will be included in the annual sewer users rate.  
*Approved September 28, 1988.*

**SEC. 10-116 Financing a Dump Closing Plan**

Be it ordained by the Bucksport Town Council in Town Council assembled that the Town Council be and is hereby authorized to raise and expend a sum not to exceed twenty-five thousand dollars (\$25,000.00) for preparation of closing and engineering design plans for the old Town dump in accordance with Department of Environmental Protection regulations, said expenditures to be financed by terms and conditions as determined by the Bucksport Town Council.  
*Approved November 8, 1988.*

**SEC. 10-117 Financing Swimming Pool Improvements**

Be it ordained by the Bucksport Town Council in Town Council assembled, that the Bucksport Town Council is hereby authorized to expend a sum not to exceed one hundred ninety thousand dollars (\$190,000.00) for the purpose of making improvements to the swimming pool facility. Such expenditure will include a transfer from the reserve account in the amount of eighty thousand dollars (\$80,000.00) and the remaining to be financed by terms and conditions as determined by the Bucksport Town Council.  
*Approved June 6, 1990.*

**SEC. 10-118 Financing Swimming Pool Improvements**

Whereas the voters of the Town approved an expenditure not to exceed one hundred ninety thousand dollars (\$190,000) for swimming pool improvements during the June special election, and whereas it has been determined after bids were received that the project could not be completed as designed unless an additional thirty-five thousand dollars (\$35,000) be approved, let it be ordained by the Bucksport Town Council that the Council be and is hereby authorized to raise an additional sum of thirty-five thousand dollars (\$35,000) to undertake construction of the swimming pool improvements. Be it further known that if the additional thirty-five thousand dollars (\$35,000) is not raised that the Town Council can reduce the scope of the project and complete the project for the original amount approved.

*Approved November 6, 1990.*

**SEC 10-119 Financing Energy Improvements**

Be it ordained by the Bucksport Town Council in Town Council assembled, that the Town Council be and is hereby authorized to borrow in general obligation bonds an amount not to exceed one hundred fifty thousand dollars (\$150,000.00) at such terms as set by the Town Council, and that such funds in addition to Institutional Conservation Program Funds be used for energy conservation measures at the Bucksport High School.

*Approved November 6, 1990.*

**SEC. 10-120 Financing of Public Safety Building Improvements**

Be it ordained by the Bucksport Town Council, in Town Council assembled, that the Bucksport Town Council is hereby authorized to expend a sum not to exceed six hundred thousand dollars (\$600,000.00) for improvements to the Public Safety Building, said funds to be raised by terms and conditions as determined by the Bucksport Town Council.

*Approved May 9, 1996*

**SEC. 10-121 Financing the Business Park Development**

Be it ordained by the Bucksport Town Council, in Town Council assembled, that the members of the Bucksport Town Council be authorized to expend an amount not to exceed eight hundred thousand dollars (\$800,000.00) for the development of a business park. Such improvements will include but will not be limited to permitting, design and construction of an access road, the extension of the waterline and sewer to the site, site development, and other appurtenance and services as required and associated with the project. The method of financing the project is to be decided by the members of the Town Council as determined to be in the best interest of the citizens of Bucksport which could include Tax Incremental Financing Revenues, proceeds from general obligation bonds and/or state and federal funds.

*Approved November 4, 1997.*

**SEC. 10-122 Financing of Recreation Facilities**

Be it ordained by the Bucksport Town Council, in Town Council assembled, that the Town Council be and is hereby authorized to expend an amount not to exceed four hundred twenty-thousand, five hundred fifty dollars (\$425,550) toward the cost of improving existing recreation facilities and constructing new facilities and such projects will be funded as follows:

Tax Incremental Financing Revenue	\$233,000.00
Recreation Revenue Account	\$ 36,550.00
Proceeds from the Sale of an Easement	
Bangor Hydro	\$ 11,000.00
Recreation Facility Reserve Account	\$140,000.00
Wasson Property Reserve Account	<u>\$ 5,000.00</u>
Total Project Cost	\$425,550.00

*Approved November 4, 1997*

## **Article 2 Entrances to Highways**

*(Adopted 9-13-84)*

### **SEC. 10-201 Entrances to Highways Regulated**

It shall be unlawful to construct or alter any driveway, entrance or approach within the right-of-way of any Town road without a written permit from the Town. No permit shall be required for any existing driveway, entrance or approach unless the grade or location of the same is changed, but if any driveway, entrance or approach is changed in location, or grade or improved, a permit shall be required. If any existing driveway, entrance or approach is changed in degree or kind of use a permit shall be required.

### **SEC. 10-202 Conditions for Approval of Applications**

Approval of applications submitted for permits for entrances to town ways shall be subject to the following provisions:

1. That the applicant is the owner of the property and that any driveway or approach constructed by him or his agent is for the bonafide purpose of securing access to his property and not for the purpose of parking or servicing vehicles on the town right-of-way.
2. That no entrance, approach or other improvement constructed in the town right-of-way as the result of an issued entrance permit shall be relocated or its dimensions altered without first obtaining written permission from the Public Works Director.
3. That the location, design, and construction of the driveways, entrances, or approaches shall be in accordance with the rules and regulations promulgated in Section 10-203.

**SEC. 10-203 Rules and Regulations Governing Construction and Location**

**Entrances**

1. All entrances shall be so located that vehicles approaching or using the entrance shall be able to obtain adequate sight distance in both directions along the highway or to maneuver safely and without interference with traffic. (2-10-00)
2. The grade of entrances shall in general slope away from the traveled surface at a rate of not less than one-quarter (1/4) inch per foot, nor more than one (1) inch per foot for a distance of not less than the prevailing width of existing shoulder plus three (3) feet, but in no case not less than five (5) feet from the edge of the traveled surface.
3. All entrances shall be a minimum of fifteen (15) feet in width. Residential entrances shall not exceed thirty (30) feet in width and commercial entrances shall not exceed forty (40) feet in width.
4. Not more than two (2) entrances (or exits) shall be allowed on any parcel of property the frontage of which is less than two hundred (200) feet. Additional entrances (or exits) for parcels of property having a frontage in excess of two hundred (200) feet shall be permitted only after showing of actual convenience and necessity. When frontage is fifty (50) feet or less, only one combined entrance and exit is permitted.
5. When sidewalk, curbing or curb and gutter is to be removed, the applicant or permittee shall replace at his expense the necessary sidewalk, curbing or curb and gutter at the break points of the entrance.
6. Drainage in roadway side ditches shall not be altered or impeded and the applicant and permittee must provide, at his expense, suitable and approved drainage structures at all entrances. The drainage opening underneath the entrances or filled areas adjacent to the highway shall be adequate to carry the water in the highway side ditches. Size and adequacy of proposed drainage structures shall be approved by the Public Works Director prior to installation. Surface drainage shall be provided so that surface water on the areas adjacent to the roadway shall be carried away from the roadway.
7. The applicant shall furnish with the application two (2) copies of plans or sketches showing the proposed entrance locations, width and arrangements; distance between entrances; set back of buildings, gasoline pumps, etc., in relation to the center line of the traveled way and/or right-of-way line; length; size and location of existing pipes, culverts, catch basins or manholes, curbing, curb and gutter and/or sidewalks, and the proposed location and size of new pipes, culverts, catch basins or manholes, curbing, et cetera.

**SEC. 10-204 Application for Permit**

1. Any person, firm, or organization required by the provisions of this Article to obtain an entrance permit from the Town shall make a written application upon a form provided by the Town and shall state facts as may be required.
2. Applications for entrance permits shall be accompanied by a fee of twenty dollars (\$20.00), which will be returned if the permit is not issued.

3. The application shall be accompanied by a plan showing the location, dimensions, and elevation of the proposed entrance, and such other information as may be reasonably required by the Public Works Director.
4. Applications must have the written approval of the Public Works Director. Applications requiring the removal of any public shade tree in the Compact Area must be approved by the Conservation Commission prior to the issuance of a permit.

**SEC 10-205 Review and Enforcement**

1. Review and approval of all entrance permits shall be the responsibility of the Public Works Director.
2. Enforcement of the provisions of this Article shall be the responsibility of the Code Enforcement Officer.

**SEC. 10-206 Review**

Any applicant may request that the decision of the Public Works Director regarding the issuance of an entrance permit be reviewed by the members of the Bucksport Town Council and the decision of the Town Council will be final. The request for review must be made in writing to the Town Council, stating the reason for the review and the remedy the applicant is seeking.

**SEC. 10-207 Permit Expiration**

1. An entrance permit expires one (1) year from the date of issuance by the Public Works Director. Upon commencement of the construction of a permitted entrance, all work required by the terms of the permit must be substantially completed within thirty (30) days or prior to the permit expiration, whichever comes first. The Public Works Director may, for good cause, grant an extension to the completion date of any entrance under construction. For the purposes of this section, substantially completed means that required drainage structures and gravel base are installed.
2. An expired entrance permit may be renewed upon submission of a new application and a fee of twenty dollars (\$20.00). The entrance construction shall be subject to the standards in effect at the time of permit renewal.

**Article 3 Street Excavation**

**SEC. 10-301 Excavation Permit Required**

1. It shall be unlawful for any person to dig up, excavate, tunnel, undermine, or in any manner, break up any street, or to make cause to be made any excavation in or under the surface of any street for any purpose, or to place, deposit or leave upon any street any earth or other material obstructing or tending to interfere with the free use of the street, unless such person shall first have obtained an excavation permit from the Public Works Director. An excavation permit shall not be required for any work performed by the Town.

2. A street excavation permit expires sixty (60) days from the date of issuance by the Public Works Director. Upon commencement of a permitted excavation, all work required by the terms of the permit must be completed within sixty (60) days or prior to the permit expiration, whichever comes first. The Public Works Director may, for good cause, grant an extension to the completion date of any excavation in progress.
3. An expired excavation permit may be renewed upon submission of a new application and a fee of twenty dollars (\$20.00). The excavation shall be subject to the standards in effect at the time of permit renewal.

**SEC. 10-302 Definitions**

Applicant: Any person making a written application to the Town of Bucksport for an excavation permit and for whom the permit is issued.

Permittee: Any person who has been granted an excavation permit issued hereunder.

Person: Any person, firm, company, partnership, association, corporation, or organization of any kind.

Public Works Director: Shall include the Town's Public Works Director and his authorized assistant under his direction and supervision.

Street: Any street, highway, sidewalk, alley, avenue, or other public passageway or public grounds in the Town of Bucksport.

Town: Shall mean the Town of Bucksport.

**SEC. 10-303 Application for Permit**

1. Any person, firm, or organization required by the provisions of this Article to obtain an excavation permit from the Town shall make a written application upon a form provided by the Town Clerk and shall state facts as may be required.
2. The application shall be accompanied by a plan showing the extent of the proposed excavation work, including its location, the dimensions and elevation of the proposed excavated surfaces, and such other information as may be reasonably required by the Public Works Director.
3. Applications must have the written approval of the Public Works Director. Applications requiring the removal of any public shade tree in the Compact Area must be approved by the Conservation Commission prior to the issuance of a permit. (2-14-02)
4. No person shall be granted a permit to excavate or open any street or sidewalk from the period between December 1<sup>st</sup> of each year to March 31<sup>st</sup> of the following year unless an emergency or special condition exists. Any person wishing to obtain an excavation permit between these aforementioned dates shall first explain fully, in writing, the emergency or special condition to the Public Works Director and shall obtain his approval.

**SEC. 10-304 Excavation Permit Fees**

1. Applications for excavation permits shall be accompanied by a fee of twenty dollars (\$20.00) which will be returned if the permit is not issued.
2. In addition to the application fee, a permit fee shall be paid upon approval of the permit; such fee shall be as follows:

Street Pavement Disturbed	Same as MDOT
Shoulder Gravel Disturbed	Same as MDOT
Sidewalk Opening Charges (Per Square Yard)	
Brick Sidewalk	\$15.00
Brick Sidewalk on Concrete Base	\$30.00
Bituminous Concrete Sidewalk	\$17.00
Portland Cement Sidewalk	\$24.00
Gravel Sidewalk	\$ 8.00
Esplanade (grass)	\$ 8.00
Other Charges	
Bituminous Concrete Curbing	\$ 4.00 per linear foot
Granite Curbing Removal or Realignment	\$11.00 per linear foot
Removing and Replacing Parking Meters	\$11.00 each
Removing and Replacing Street Name and Traffic Control Signs	\$11.00 each
Replacement and Installation of Lost or Damaged Granite Curb	\$25.00 per linear foot

**SEC. 10-305 Minimum Permit Fees and Special Conditions**

1. There shall be a minimum permit fee for any street or sidewalk excavation equivalent to three (3) square yards at the above applicable rate per square yard.
2. Where three (3) or more street openings are made in sequence (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.
3. The applicant may request the Town's permission to contract privately for the street or sidewalk repairs. If the Town agrees, the applicant or private contractor may be required by the Town to post a bond for the estimated amount of street opening times the above applicable unit rate. All street repair work must be done in accordance with Town specifications and is subject to inspection by the Public Works Director. However, the Town shall charge the applicant or contractor for its engineering and inspection charges incurred during the street excavation and repair work.

**SEC. 10-306 Deposit or Permit Fees**

All such excavation permit fees shall be paid to the Town of Bucksport and shall constitute a special fund for the repair and repaving of such excavations.

**SEC. 10-307 Routing of Traffic**

The permittee shall take appropriate measures to assure that, during the performance of the excavation work, traffic conditions as nearly normal as practicable 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, provided that the Public Works Director may permit the closing of streets to all

traffic for a period of time prescribed by him, if in his opinion it is necessary. The permittee shall route and control traffic, including its own vehicles, as directed by the Bucksport Police Department. The following steps shall be taken before any highway may be closed or restricted to traffic:

1. The permittee must receive the approval of the Public Works Director and the Police Department therefor;
2. The permittee must notify the Chief of the Fire Department of any street so closed;
3. Upon completion of construction work, the permittee shall notify the Public Works Director and Police Department before traffic is moved back to its normal flow, so that any necessary adjustments may be made;
4. Where flagmen are deemed necessary by the Public Works Director, they shall be furnished by the permittee at his own expense. All such flagmen shall be subject to the approval of the Chief of Police. Through traffic shall be maintained without the aid of detours, if possible. In instances in which this would not be feasible, the Public Works Director and the Police Chief will designate detours. The Town 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 Public Works Director. The permittee will be responsible for any unnecessary damage caused to any highways by the operation of its equipment.

**SEC. 10-308 Clearance for Fire Equipment**

The excavation work shall be performed and conducted so as not to interfere with access to the Fire Station 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 materials and other obstructions.

**SEC. 10-309 Protection of Traffic**

The permittee shall erect and maintain such fence, railing or barriers about the site of the excavation work as shall prevent danger to pedestrian and vehicular traffic using the street or sidewalk. Excavation sites shall be sufficiently illuminated at twilight, and such lighting shall be kept burning throughout the night. All of the above shall be approved by the Police Chief and the Public Works Director.

**SEC. 10-310 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 Public Works Director and 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 Town 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 born by the permittee unless it makes other arrangements with the person owning 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, wire 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 therefor. 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 therefor.

**SEC. 10-311 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. 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 properly to protect and carry out said work.

**SEC. 10-312 Clean-up**

As the excavation work progresses, all streets and private property 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 Public Works Director. From time to time, as may be ordered by the Public Works Director 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 Public Works Director, said work may be done by the Public Works Director; and the cost thereof charged to the permittee plus a twenty-five dollar (\$25.00) fee.

**SEC. 10-313 Breaking Through Movement**

1. Whenever it is necessary to break through existing pavement for excavation purposes, and where trenches are to be four (4) feet or over in depth, the pavement in the base shall be removed to at least six (6) inches beyond the outer limits of the subgrade that is to be disturbed in order to prevent settlement; and a six (6) inch shoulder of undisturbed material shall be provided in each side of the excavated trench.
2. All excavation on paved street surfaces shall be pre-cut in a neat, straight line with pavement breakers or saws. Heavy-duty pavement breaks may be prohibited by the Town when their use endangers existing substructures or property, and no pile driver may be used in breaking up the pavement.

3. Cutouts of the trench lines must be normal or parallel to the trench line, and pavement edges shall be trimmed to a vertical face.
4. Unstable pavement shall be removed over cave-outs and over-breaks, and the subgrade shall be treated as the main trench.
5. The permittee shall not be required to pay for repair of damage existing prior to the excavation unless his 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.

**SEC. 10-314 Backfilling**

Backfilling in any street opened or excavated pursuant to an excavation permit issued hereunder shall be compacted to a degree equivalent to that of the undisturbed ground in which the trench was dug. Compacting shall be done by mechanical tappers or vibrators, by rolling in layers, or by water settling, as provided by the soil in question and sound engineering practices generally recognized in the construction industry.

**SEC. 10-315 Notice to Town and Restoration of Surface**

Upon completion of the backfilling and clean-up, the permittee shall so notify the Public Works Director and request an inspection of the project. After final inspection, the Town shall then restore the surface of the street as near as may be to its original condition. If, in the judgment of the Public Works Director, it is not advisable to immediately replace the street pavement, because of weather conditions or otherwise, he may direct that temporary repairs be made until such time as the permanent repairs may be properly made.

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 (2) years after restoring it to its original condition.

**SEC. 10-316 Excavation Barred in New Street Improvements**

1. Whenever the Town Council enacts any ordinance or resolution providing for the paving or repaving of any street, the Town Manager 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 no later than sixty (60) days from the date of such notice. The Town Manager 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

- town departments or other persons that may desire to perform excavation work in said Town street.
2. Within said sixty (60) days, 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 sixty (60) days 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 Public Works Director, an emergency as described in this article exists, which makes it absolutely essential that the excavation permit be used.
  3. Every department or official of the Town of Bucksport 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 sixty (60) days period so as to avoid the necessity for making any openings, cuts or excavation in the new pavement in said Town street during said five (5) year period.

**SEC. 10-317 Inspections**

The Public Works Director shall make such inspections as are reasonably necessary in the enforcement of this article. The Public Works Director 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.

**SEC. 10-318 Applicability to Town and State Work**

The provisions of this article shall not be applicable to any excavation work under the direction of officials and employees of the Town or by any contractor of the Town or State performing work for and in behalf of the Town or State necessitating openings or excavations in streets.

**SEC. 10-319 Insurance**

A permittee, other than a public utility company prior to the commencement of excavation work hereunder, shall furnish the Town 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 of not less than four hundred thousand dollars (\$400,000.00) for any one person and four hundred thousand dollars (\$400,000.00) for any one accident and property damage insurance for not less than four hundred thousand dollars (\$400,000.00) duly issued by an insurance company authorized to do business in this State.

**SEC. 10-320 Liability of Town**

This article shall not be construed as imposing upon the Town 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 Town 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. 10-321 Work Improperly Completed**

If the work or any part thereof provided for in this article shall be unskillfully or improperly done, the Public Works Director 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 Town all its expenses incurred in correcting such improper work with an additional fifty percent (50%) added thereto for its default; and thereafter no further permits shall be issued to the permittee until such sum is paid in full to the Town.

**SEC.10-322 Enforcement**

The Code Enforcement Officer shall be responsible to enforce the provisions of this Article.

**Article 4 Weight Limit Regulations and Restrictions**

**SEC. 10-401 Heavy Load Restrictions**

The Public Works Director of the Town of Bucksport may post any road restricting heavy loads, pursuant to Title 29, M.R.S.A. Section 2395 and in accordance with the following rules and regulations:

1. Whenever it is determined by the Public Works Director that damage may occur to any Town road or street as a result of heavy loads and an **unfrozen or wet road base**, such road or streets may be closed to all vehicles, or combination of vehicles, except:
  - a. Any vehicle or combination of vehicles registered for a gross weight of twenty-three thousand (23,000) pounds or less.
  - b. Any vehicle or combination of vehicles registered for a gross weight in excess of twenty-three thousand (23,000) pounds and traveling without a load. The exception does not apply to special equipment.
  - c. Any vehicle engaged in highway maintenance under the direction of the Town of Bucksport or the State of Maine.
  - d. Any two (2) axle, delivery or service truck registered in excess of twenty-three thousand (23,000) pounds and making deliveries or providing services to any home or business located along the restricted portion of the road.
  - e. Any emergency vehicle.

**For the purpose of this section, a road base is considered “unfrozen or wet” if the air temperature is 32° F or above and water is showing in the cracks of the road. If either condition exist, heavy loads are restricted as outlined by this section.**

**SEC. 10-402 Truck Traffic Prohibited**

1. Vehicles registered in excess of thirty-four thousand (34,000) pounds are prohibited on the following restricted roads or streets:
  - a. Russell Hill Road
  - b. Millvale Road (from the intersection of the Charlie Cole Road to the intersection of the Silver Lake Road)
  - c. Hinks Road
  - d. Silver Lake Road
  - e. Mast Hill Road (from the intersection of the Upper Falls Road to the intersection of the Dead River Road)
  - f. Bucks Mills Road (from the intersection of the East Bucksport Road to the intersection of Millvale Road and Central Street)
  - g. Town Farm Road
  - h. Broadway (from the intersection of Nicholson Avenue to the intersection of Central Street).
2. Exemptions to SEC. 10-402 are as follows:
  - a. Any truck registered within State weight limits and hauling to or from and for a residential property, with exception on Broadway no through truck traffic will be permitted, such through area being from Nicholson Avenue intersection to Central Street intersection. Trucks exempted by this section shall use the shortest route, either State or Town owned. Such determination when necessary will be made by the Bucksport Police Chief.
  - b. Any truck registered within State weight limits which has been issued a permit by the Town Manager for special circumstances. A bond payable to the Town of Bucksport in the amount of ten thousand dollars (\$10,000.00) per mile may be required to cover the costs of any damage that may occur. If a bond is required, an inspection and documentation of the existing road condition must be performed prior to the issuance of a special permit and all costs associated with the special permit shall be paid by the permittee.
  - c. Any prohibited vehicle that is not carrying a load other than for equipment necessary to operate the vehicle.
  - d. Any emergency vehicle or Town owned or leased highway maintenance vehicle.
3. Definitions:
  - a. Restricted Roads or Streets: A road or street or portion thereof, listed in SEC. 10-402 Subsection 1 of this Ordinance, and identified by the most current copy of the Bucksport Tax Maps.
  - b. Residential property or Use: Hauling to or from and for a property which is used as a permanent, seasonal, or temporary living quarter. The term shall include mobile homes, but not recreational vehicles.
  - c. Route: Route includes any public road or street or combination thereof.

- d. Special Equipment: Equipment registered to travel on public ways such as but not limited to a payloader, grader, crane, and backhoe.

**SEC. 10-403 Penalties**

Any person or entity found to be in violation of Sections 10-401 or 10-402 of this ordinance shall be liable for a civil penalty of not less than two hundred fifty dollars (\$250.00) for each offense, except that a written warning shall be issued for a first offense, provided, however, this shall not limit the Town from taking action for recovery of any damage which may result from any violation.

**SEC 10-404 Separability**

The invalidity of any provision of this Ordinance shall not invalidate any other part.

**Article 5 Road and Street Standards for Approval**

**SEC. 10-501 Standards for Roads and Streets**

Before the members of the Town Council shall consider approval and acceptance of any street or road as a public way, it shall be necessary for such street or road to meet the standards outlined by this Ordinance. The cost of developing the proposed public way to acceptable standards shall be the responsibility of the individual(s) making the request to the Town Council. Under no circumstances is the Town required to accept the street or road even though such street or road is constructed to the standards outlined by this ordinance.

**SEC. 10-502 Monuments**

1. Permanent monuments shall be set at all intersections identifying the outer limits of the right-of-way as identified by the survey plan submitted to the Town Council with the request for designation as a public way.
2. Monuments shall be concrete, stone or iron, located in the ground and six (6) inches above grade.

**SEC. 10-503 Street Signs**

Street name and traffic signs shall be furnished and installed by the individual(s) requesting the public way. The type, size and location shall be subject to approval of the Public Works Director.

**SEC. 10-504 Classifications**

For the purpose of this ordinance, street and roads will be classified by function, as follows:

1. Major Streets: The term "Major Streets" includes arterial streets or roads which serve primarily as major traffic ways for travel between and through towns; and streets or roads which serve as collectors of traffic for minor streets and for circulation and access in commercial and industrial areas.

2. Minor Streets: Local streets or rural roads which are used primarily for access to abutting residential properties.

**SEC. 10-505 Layout**

All streets and roads shall be so designed that they will provide safe vehicular travel.

**SEC. 10-506 Design and Construction Standards**

1. All streets and roads will have to meet the following standards as classified by the Town Council:

**Design and Construction Standards for Roads and Streets**

	Item	Major Arterial Street	Major Collector Street	Minor Residential Street	Minor Rural Street
1 a.	Minimum Right-of-Way	66 feet	66 feet	50 feet	66 feet
1 b.	Minimum Right-of-Way (closed system)	50 feet	50 feet	50 feet	50 feet
2 a.	Minimum width of pavement (open ditch)	24 feet	24 feet	20 feet	20 feet
2 b.	Minimum width of pavement (closed system)	32 feet	32 feet	26 feet	26 feet
2 c.	Minimum width of pavement (one side parking with closed system)	40 feet	40 feet	34 feet	34 feet
3 a.	Minimum grade	.5%	.5%	.5%	.5%
4 a.	Maximum grade	5%	6%	10%	12%
5 a.	Maximum grade at intersections	3 % with 50 feet of intersections			
6 a.	Minimum angle of intersections	60% for all			
7 a.	Width of shoulders (open ditch)	6 feet	4 feet	3 feet	4 feet
8 a.	Minimum center line radii on curves	800 feet	200 feet	200 feet	200 feet
9 a.	Road base gravel (minimum). Gravel must meet MDOT 4" gravel specifications	21 inches	18 inches	18 inches	18 inches
10 a.	Bituminous pavement	4 inches	4 inches	2.5 inches	2.5 inches
11 a.	Road crown	¼ inch/foot for all			
12 a.	Dead-end street	Must provide turnaround minimum 65 foot radii			
13 a.	Property line radii at intersection	10 feet for all			
14 a.	Curb radii at intersections	25 feet for all			

2. For the purpose of item 13 a. the ten (10) foot radius will be measured from furthest outer edge of the intersection
3. For the purpose of item 14 a. the twenty-five (25) foot radius will be measured from the center of the furthest point of the intersection
4. A dead-end street or road shall have a suitable turnaround at the end. When a turning circle is used it shall have a minimum outside radius of sixty-five (65) feet. T-type turnarounds shall be permitted. The size of T-type turnarounds will be eighty (80) feet long and sixty-five (65) feet wide.
5. Streets and roads shall be provided with adequate drainage to provide for the removal of storm water to prevent flooding of pavement and erosion of adjacent surfaces.
6. Side slopes shall not be steeper than three (3) feet horizontal and one (1) foot vertical, graded, loamed three (3) inches and seeded as required.
7. Curbs shall be required on all streets within the Maine Highway Commission defined urban areas and shall be required when an open ditch system does not provide adequate drainage as determined by the Public Works Director, and a closed drainage system is necessary.
8. Where curbs are not required, stabilized shoulders and proper drainage shall be required.
9. All roads or streets shall be constructed according to the specifications outlined by this ordinance and as overseen by the Town's Public Works Director.
10. All requests for designation of a public way will include a survey plan of the proposed right of way as prepared by a Maine certified land surveyor. All abutters to the right-of-way will be identified on the survey plan. A scale of one (1) inch to forty (40) feet will be used.
11. All requests for a public way will be accompanied with a written description of the proposed right-of-way as prepared by a Maine certified land surveyor.
12. Upon acceptance of the right-of-way as a public way, the owner of the right-of-way will provide a deed to the Town, such deed describing the right-of-way as approved by the Town Council. Such description will be prepared from the description provided by a Maine certified land surveyor and submitted to the Town Council with the application for public way designation.

#### **SECTION 10-507 PUBLIC SHADE TREES**

1. Public shade trees may not be planted or removed without approval of the Conservation Commission, except as otherwise provided for in this section. "Remove" means uprooting the entire planting or cutting or pruning of any portion. "Plant" means to place in the ground for growing. "Public shade tree" means any arboreal species located within or upon the limits of:
  - A. any public right of way in the Compact Area;
  - B. any public park, public cemetery, public walkway; or
  - C. any other public property under the care of the Conservation Commission as designated by the Town Council.Proposals for the planting or removal of any public shade tree must be submitted in writing to the Conservation Commission. Review of proposals

- shall be conducted in accordance with the requirements of Chapter 4, Article 2 of the Bucksport Town Code.
2. The Public Works Director may authorize removal of any public shade tree without approval of the Conservation Commission to:
    - A. remove an obstruction to the installation or maintenance of any utility service including, but not limited to, sewer lines, electric power lines, gas lines, water lines and storm water drainage lines;
    - B. lay out, alter or widen the location of public ways;
    - C. lessen the hazards of travel on public ways; or
    - D. eliminate safety hazards on any public property.
  3. No object or contrivance of any kind may be attached to any public shade tree, except supports for the planting, or as may otherwise be approved by the Conservation Commission. Under no circumstances shall any public shade tree be cut, carved, disfigured, poisoned, burned or any portion above or below ground otherwise harmed or abused.

*Chapter 10 Roads and Streets was adopted in conjunction with the Town Code on March 9, 1978, and amended on the following dates:*

*October 11, 1984 (renamed chapter and article 1, added article 2, article 3)*

*February 11, 1988 (sections 10-401, 10-402 added)*

*July 26, 1990 (sections 10-401, 10-402. section 10-403 added))*

*January 11, 1996 (article 4 repealed and replaced)*

*May 9, 1996 (article 5 added)*

*January 30, 1997 (section 10-402)*

*June 10, 1999 (section 10-401)*

*February 10, 2000 (sections 10-201, 10-202, 10-203, 10-204, 10-304, 10-305, 10-319. sections 10-205, 10-206 & 10-322 added)*

*February 14, 2002 (section 10-204, section 10-507 added)*

*May 29, 2014 (sections 10-201, 10-207 added & 10-301)*