

Chapter 226
Streets, Sidewalks and Public Areas

§226-30 Utility Companies.

All utility companies, including but not limited to cable television, water, sewer, telephone, gas or power, must comply with the application process pursuant to Title 35-A M.S.R.A. Public Utilities Part 2 Public Utilities and may also be required to obtain permit pursuant to Chapter §226-28 for excavation or new construction within the rights of way.

A utility company, including but not limited to cable television, water, sewer, telephone, gas or power, performing a major opening may obtain permission from the Public Works Director to perform its own repairs in excess of 100 linear feet in accordance with the specifications established in this article. The Public Works Director may require a utility to have repairs to pavement fixed with an infrared machine. Any utility company performing its own repairs may be required to provide a secured guarantee such as a job bond, insurance certificate and/or escrow account for three years from the date of completion of the work and shall be responsible for correcting any defects in or repairs to such work. The utility shall notify the Public Works Director or his/her appointed representative prior to correcting any problems or making any repairs to the street opening during this three-year period.

- A. After an excavation is commenced, the permittee shall carry out with diligence and expedition all excavation work covered by the permit and shall promptly complete such work and restore the street or sidewalk as specified in this article. The permittee shall perform such restoration work so as not to obstruct, impede or create a safety hazard to public travel.
- B. 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.
- C. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, the city shall have the authority to require that the permittee haul the excavated material to a storage site and then re-haul it to the trench site at the time of backfilling.
- D. Backfilling and compaction of roadway and sidewalk subgrade materials shall conform to MaineDOT Standard Specification 304.03 in order to prevent future settling of roadway materials. Additionally, common borrow materials

shall conform to MaineDOT Standard Specification 703.18 preventing frozen materials, perishable rubbish, peat and other unsuitable materials from being present in excavation backfill.

- E. After completing the placement, replacement or removal of a pole or an underground facility pursuant to this ordinance, the public utility or contractor to the public utility shall remove from the right of way any debris created by the placement or excavation for such utility within 5 business days.
- F. Whenever the use of a substructure is abandoned, except the abandonment of service lines designed to serve single properties, 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 statement in writing giving in detail 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 make the first cut or tap before allowing the substructure to be removed by the excavator.
- G. Whenever the last utility line has been removed from a pole designated the pole as abandoned, the person or utility owning, using, controlling, or having an interest therein, shall within thirty (30) days after such abandonment remove said pole and repair according to this article.