CHAPTER 186

STREETS AND SIDEWALKS

[HISTORY: Adopted by the Board of Selectmen of the Town of Pembroke 2-22-1999 by Ordinance No. 99-1. Amendments noted where applicable.]

GENERAL REFERENCES
Bicycles — See Ch. **150**.
Roads Commission — See Ch. **179**.
Vehicles and traffic — See Ch. **191**.
Driveways — See Ch. **198**.
Subdivision of land — See Ch. **205**.

ARTICLE I Excavations

§ 186-1 Authority

This article is adopted pursuant to the authority granted by RSA 236:9-11, New Hampshire Revised Statutes Annotated, as amended.

§ 186-2 Permit required

[Amended 7-21-2003 by Ordinance No. 03-04]

It shall be unlawful for any person to dig up any part of the streets, sidewalks or public places of the Town for the purpose of putting down or laying gas or water pipes, cable television or telephone lines, cellar or other drains or for any other purpose without first having obtained a permit from the Pembroke Public Works Director.

§ 186-3 Fees

[Amended 7-21-2003 by Ordinance No. 03-04]

The fee for processing each application for a permit shall be one hundred fifty dollars ($150.)

§ 186-4 Bond or deposit

[Amended 7-21-2003 by Ordinance No. 03-04]

Prior to the issuance of any permit required by this article, the Public Works Director shall require the applicant to give bond with corporate surety, payable to the Town of Pembroke, NH, in such amount as may be considered by the Public Works Director to be adequate to cover the costs and expenses of filling the authorized excavation and restoration of the surface of the place excavated to as good condition as it was prior to the excavation. In lieu of a bond, an applicant may provide a cash deposit for this purpose. The bond or cash deposit shall be held by the Town of Pembroke for a period of one (1) year following the acceptance of the project by the Public Works Director.

§ 186-5 Insurance

Prior to the issuance of a permit under this article, the applicant shall furnish a certificate of insurance naming the Town of Pembroke, NH as certificate holder, with limits of coverage at a minimum of general liability - $1,000,000; automobile liability - combined single loss limit (CSL) of $1,000,000 and evidence of worker's compensation coverage. Evidence of coverage shall also be furnished for all subcontractors. If the policy is changed or canceled during the policy period, the policy shall provide that written notice will be given to the Board of Selectmen of the Town of Pembroke, NH at least fifteen (15) days prior to the effective date of such change or cancellation.

§ 186-6 Indemnification

The permit holder shall fully indemnify and save harmless the Town of Pembroke, NH from all claims for damage or injury whatsoever that may arise from the encumbrance, obstruction, occupation, or use of said highway, and the permit holder shall be accountable for all damage that may occur on account of said encumbrance, obstruction, occupation, or use of the aforesaid highway, or that may arise from the obstruction or use of any public sewer or water facility in connection with the work contemplated under the permit.

§ 186-7 Departments to be notified

[Amended 7-21-2003 by Ordinance No. 03-04]

The Pembroke Public Works Director (485-4422), Police Department (485-9173), and DIG SAFE (1-888-344-7233) shall be notified in writing at least seventy-two hours prior to any excavation being started. In the event of an emergency excavation, DIG SAFE, the Public Works Director, and the Police Department shall be verbally notified at the time, and the written excavation

permit shall be applied for no more than forty-eight (48) hours after the work is completed.

§ 186-8 Inspection required

[Amended 7-21-2003 by Ordinance No. 03-04]

All projects shall be inspected by the Public Works Director, or his designee. The Public Works Director shall be notified at all stages of the work for the purpose of inspection. All work performed under the permit shall be to the satisfaction of the Public Works Director or his designee.

§ 186-9 Excavation limits

[Amended 7-21-2003 by Ordinance No. 03-04]

No opening or excavation in any street shall extend beyond the center line of the street before being backfilled, and the surface of the street must be passable to traffic. No more than three hundred (300') feet measured longitudinally shall be opened in any street at one time, except by special permission of the Public Works Director. A minimum of one (1) lane of traffic shall be provided on all streets at all times. The minimum width for temporary traffic lanes is eleven (11') feet. Access shall be provided to all places of business at all times.

§ 186-10 Restoration

[Amended 7-21-2003 by Ordinance No. 03-04]

A. Excavated material shall be replaced or backfilled in layers or courses not to exceed nine (9") inches in compacted thicknesses; and shall be compacted at or near optimum moisture content using pneumatic tampers, vibratory compactors, or other approved means. The material shall be compacted to not less than 95%. If unsuitable for backfill, excavated material shall be replaced with granular backfill as specified in the "Standard Specifications for Road and Bridge Construction, State of New Hampshire Department of Public Works and Highways." Water shall be uniformly applied during compaction in the amount necessary for proper consolidation, but puddling will not be allowed. The compacted backfill material shall be laid to within twelve (12") inches of the adjacent road surface; nine (9") inches of crushed bank run shall then be compacted in place. An approved bituminous mix material shall then be placed and carefully graded and rolled to the adjacent pavement grade as a temporary patch. After suitable exposure to traffic compaction, as determined by the Public Works Director, with a minimum of thirty (30) days, the pavement shall be sawed or cut in a clean manner on either side of the trench to provide a two (2') foot minimum overlap of the final

patch on the undisturbed material. Within the sawed limits, the existing and temporary material shall be removed and replaced with a matching depth of asphaltic concrete. Edges of the trench cut shall be coated with an epoxy or bitumastic binder before trial course is applied. This final application shall contain a minimum of two (2") inch base course and one (1") inch of wearing course, and will be laid and compacted to meet exactly the existing pavement edge.

B. The Public Works Director reserves the right to restore the highway or cause the same to be restored under his direction, and the grantees or parties to whom this permit is granted shall reimburse the Town for any and all liability and expense suffered by reason of such work.

§ 186-11 Safety measures

From the time that any excavation is begun pursuant to a permit required by this article until completion of the work and restoration of the surface of the place excavated, the permit holder shall be responsible for the installation and maintenance of adequate safeguards to protect persons, animals, and property from dangers directly or indirectly arising from all work done with respect to such excavation, and the following safeguards, among others which may be necessary or appropriate, shall be mandatory: warning signs, adequate illumination at night and during other periods of darkness or poor visibility and enclosures of the place of excavation by guards, barricades, rope, or other suitable fixtures.

§ 186-12 General conditions

A. Property or street line monuments, survey reference points, and permanent survey bench marks shall not be removed or disturbed, unless specifically permitted in writing.

B. Shade trees shall not be cut down, trimmed, or otherwise injured.

C. Advertisements, notices, and signs shall not be displayed on or attached to any barricade or fence in any highway.

D. The highway shall be left in as good condition of repair and cleanliness at the expiration of the permit as existed when said permit was granted.

§ 186-13 Penalties

Any person found to be in violation with the provisions of Article I may be fined not more than one hundred dollars ($100.) for each violation.

ARTICLE II Snow and Ice on Streets and Sidewalks

§ 186-14 Authority

This article is adopted pursuant to the authority granted by RSA 41:11, New Hampshire Revised Statutes Annotated, as amended.

§ 186-15 Depositing snow and ice on streets and sidewalks

No person shall throw or place or push or cause to be thrown or placed or pushed and leave any ice or snow on the traveled portion of any public highway or sidewalk within the Town of Pembroke from any private driveway, roadway, parking lot, or sidewalk entering onto any such public highway or sidewalk or from any land adjacent to any such public highway or sidewalk.

§ 186-16 Penalties

Any person found to be in violation with the provisions of § **186-15** may be fined not more than one hundred dollars ($100.) for each violation.

ARTICLE III Depositing of Debris on Streets, sidewalks or rights of way

§ 186-17 Authority

This article is adopted pursuant to the authority granted by RSA 41:11, New Hampshire Revised Statutes Annotated, as amended.

§ 186-18 Depositing leaves or placing debris on town streets, sidewalks or rights of way

No person shall pile or otherwise deposit leaves, grass, brush or other debris from private property in or on any town street, road, sidewalk, right of way or highway for any purpose, except at such times as designated by the Board of Selectmen.

§ 186-19 Penalties

Any person found to be in violation with the provisions of § **186-18** may be fined not more than one hundred dollars ($100.) for each violation.

November 16, 2015