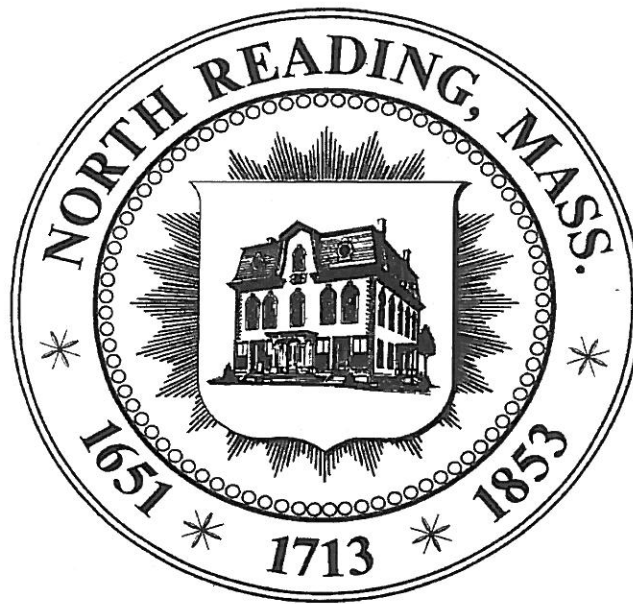


# STREET OPENING PERMIT POLICY



TOWN OF NORTH READING, MASSACHUSETTS  
DEPARTMENT OF PUBLIC WORKS

JANUARY 2015

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# DEPARTMENT OF PUBLIC WORKS

## STREET OPENING PERMIT POLICY

### 1. PURPOSE OF PERMITS

Town Highways have been established and are maintained primarily for the purpose of movement of vehicles and pedestrians. It is also desirable to allow individuals and utility companies to utilize highway rights of way for purposes other than transportation. However, to prevent recurring, dangerous and annoying interruptions to traffic and pedestrians and to avoid interference with future road construction and to provide a uniform standard of construction and construction methods, it is necessary that strict control be maintained and standard procedure be followed for excavations, construction and maintenance of Town Highways.

### 2. AUTHORITY

The following Town of North Reading bylaws provide the legal authority for this Street Opening Permit Policy:

- 1-5 Violations and Penalties
- 158-3 Excavations or Obstructions
- 158-4 Restoration of Travelled Surfaces
- 158-5 Traffic Control
- 181-1 Parking Restrictions

### 3. DEFINITIONS

**EXCAVATION.** "Excavation" shall mean any opening in the surface of a public place made in any manner whatsoever, except an opening in a lawful structure below the surface of a public place, the top of which is flush with the adjoining surface and so constructed as to permit frequent openings without injury or damage to the public place.

**FACILITY.** "Facility" shall mean any pipe, pipeline, tub, main, service, trap, vent, manhole, meter, gauge, regulator, valve, conduit, wire, tower, pole, pole line, anchor, cable, junction box, or any other material, structure or object 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.**

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

**PERSON.** "Person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

**PUBLIC PLACE.** "Public Place" shall mean any public street, way, place, alley, sidewalk, park, square, plaza, or any other similar public property owned or controlled by

the Town and dedicated to public use. This also includes unaccepted streets open to public use.

**RECOVERABLE CHARGES.** “Recoverable Charges” shall mean all cost directly or indirectly incurred by the Town.

**SUBSTRUCTURE.** “Substructure” shall mean any pipe, conduit, tunnel, duct, manhole, vault, buried cable or wire or any other similar structures located below the surface of any public place.

**TOWN.** “Town” shall mean the Town of North Reading and/or its Director of Public Works.

**UTILITY.** “Utility” shall mean a private company, corporation, or quasimunicipal corporation under the direction and control of the Massachusetts Department of Public Utilities and/or its Commissioner.

#### 4. APPLICATION FOR PERMIT

An application for a street opening permit must be filed with the Town of North Reading before preliminary investigation will be made for permit issue. Standard application forms for this permit may be secured from the Department of Public Works (DPW). Each application form shall be completely filled in, signed and mailed or delivered to the DPW in Town Hall, 235 North Street, North Reading, MA 01864. An explanation of the application sketches shall be made either in the space provided on the application form or a separate sheet, in duplicate, which the applicant shall attach to the application. Such diagrams or sketches shall show the location of the work to be done in relation to the outstanding features of the road, such as property lines, intersections, pavement lines, sidewalks, trees, drainage structures and utility poles, by number, and the character and extent of work.

The applicant will be required to disclose the methods and materials proposed to be used. In the event the Permittee discovers that additional work or repairs not designated in the original permit must be done in the same location, the Permittee must make application to the Town of North Reading for a permit to authorize the additional work in the same manner as the first permit. When the work proposed includes excavating in the public way, the sketch will show the proposed cut lines, including dimensions and the relationship to existing buildings.

The application shall contain an agreement of the applicant to guarantee for the work to be performed thereunder for twenty four (24) months after placement of a permanent patch and to pay “recoverable charges” as defined hereunder should the applicant fail to properly perform its pavement restoration obligations under the applicable Town bylaw.

A person, company or utility requesting a street opening permit are also required to obtain a trench permit and comply with the Commonwealth of Massachusetts Public safety regulation known as “Jackie’s Law” (520 CMR 14.00).

## 5. PLANS AND SPECIFICATIONS

When applications are made for permits involving work of major scope, complete plans and specifications certified by a Professional Engineer must be submitted in duplicate with the application form. They should be so detailed so that the exact location of the various parts of the work, the risk or injury to road users and the probability of damage to trees, highway structures and private property can be ascertained.

## 6. REJECTION OF APPLICATION

When it appears that the work called for in an application would cause substantial or needless damage to a highway, or create excessive disturbances to traffic, or exceptionally dangerous conditions not commensurate with the benefits to the applicant, the request for permit will be denied. The applicant will be informed of such rejection and the reason for the rejection. The Director of Public Works, or his designee, may refuse to issue a permit to any person, company or utility when, in his opinion, work performed under a permit theretofore issued to the applicant has not been properly executed, or when said applicant has failed to reimburse the Town for recoverable charges billed under terms governing the previous permit.

## 7. BOND REQUIREMENTS

Prior to the issuance of a Street Opening permit, the Applicant shall deposit with the Town an annual \$10,000 Surety Bond so that the Town will be protected against loss in the event of the failure of the permit holder to complete the work or make required repairs or restoration of damages involving the work or encroachment authorized by the permit.

The bond shall be released to the permit holder upon the expiration of the guarantee period. For Street Opening Permits, the guarantee period shall be for a period of two (2) years following the placement of the permanent patch. During the guarantee period, the Permittee shall be responsible for the restoration, repair and maintenance of his work.

## 8. INSURANCE REQUIREMENTS

An Applicant for a street opening permit shall furnish to the Town, prior to the issuance of the permit, certificates of minimum insurance including automobile, general liability and workmen's compensation insurance in the amounts determined by the Director of Public Works. Insurance coverage shall be reviewed and updated periodically. These certificates shall contain a provision that the insurance company will notify the certificate holder, by registered mail, at least 15 days in advance of any cancellation or material change. See "Insurance Requirements" link for an example of minimum liability insurance coverage.

The insurance requirements are the following:

Comprehensive General Liability including comprehensive form, premises/operations underground explosion collapse hazard, products/ completed operations, independent contractors, property damage, and personal injury

\$1,000,000 each occurrence, \$2,000,000 Aggregate

Automobile liability including all owned vehicles, hired vehicles and non-owned vehicles  
\$1,000,000 Bodily injury and property damaged combined

Workmen's Compensation as required by the Commonwealth of Massachusetts including  
\$100,000 per each accident, \$500,000 for bodily injury by disease (policy limit) and  
\$100,000 bodily injury by disease (each employee)

9. PERMIT FEES

The Director of Public Works shall levy fees to cover the Town's cost to administer the permit and inspect the work. There will be a \$50.00 permit fee for each accepted permit. This permit fee shall be submitted with the street opening permit application. DPU regulated utilities will establish a fee retainer with the Town which will be reviewed monthly for adequacy. All payments are to be made to the "Town of North Reading".

10. ISSUANCE OF PERMIT

A permit shall be issued:

- After proper completion of all aspects of the application for permit.
- Upon receipt of a Surety Bond and insurance in the correct amounts.
- Payment of fees as required by the Bylaw.

A permit form must be signed by the Director of Public Works, or his designee, before it becomes valid. Approved permits will be issued by the DPW office within three (3) days after the application has been received in good order. The Permittee is forbidden to commence work until the above mentioned items have been complied with and the Permittee has notified the Department of Public Works office at least twenty-four (24) hours in advance of the exact date and hour he proposes to begin work.

Unless requested and stated in the approved permit, the standard street opening permit duration is 30 days.

11. EMERGENCY PERMITS

Nothing in this policy shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property, or for the location of trouble in a conduit or pipe, or for making such repairs, providing the person or company making such excavation shall apply for such permit on the first working day after such work is commenced. Before any excavation work is started, the person or company excavating must contact the DPW, DIGSAFE and any other pertinent utilities to have all subsurface utilities marked per Massachusetts General Law Chapter 82, section 40.

12. PERMIT DISPLAY

A copy of the permit shall be available at the job site at all times for inspection by local police, DPW personnel and other interested persons. To be valid, the permit must show the effective and expiration dates and must be signed by the Director of Public Works or his designee. This regulation will also apply to public utilities and their sub-contractors.



13. REVOKING PERMITS

In the event of Permittee's failure to strictly comply with these regulations and the bylaws of the Town, any street opening permit issued by the Town of North Reading is revocable effective immediately upon making written notification of the violation to the Permittee by ordinary mail, postage prepaid, addressed to the address of the Permittee shown on the application for permit.

14. EXTENSION OF TIME

All required work shall be completed in a manner satisfactory to the Town on or before the assigned date shown on the permit except in cases where permanent repairs, such as loaming and seeding, must be made at a future date. Unless requested and stated in the approved permit, the standard street opening permit duration is 30 days. Otherwise, the permit holder shall request the Town to allow him an extension of time. Extension of time may be granted upon written request by the Permittee stating the reason(s) for the request.

15. INDEMNIFICATION

The applicant must agree as a condition governing the issuance of a permit that he will hold harmless the Town of North Reading, the Director and his agents and employees from any and all claims and actions whatsoever arising from the exercise of said permit.

16. RESPONSIBLE FOR BOUNDARY LINES

Permit applicants shall retain their own land surveyors to establish the line or otherwise inform themselves of the demarcation between public lands and private holdings.

17. CLEARANCE FOR VITAL STRUCTURES

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

18. PROTECTIVE MEASURES & TRAFFIC CONTROL

a. GENERAL

The Permittee shall prepare and shall submit to the DPW, a Traffic Management Plan that shows the routing of traffic (detours, road closing, lane narrowing, etc) during construction. The plan shall show the area and dimensions of the roadway pavement available for traffic during each stage of the work. The plan shall include all temporary barriers, signs, pavement markings, drums and any other traffic control devices required to maintain traffic together with the limits of temporary pavement and necessary steel plates. The Police Department shall determine the need and amount of traffic detail officers.

b. SAFETY TO TRAFFIC

It shall be the duty of the Permittee to make certain that the security of the traveling public is safeguard and its rights are not unreasonably curtailed. Unless specifically indicated in the permit or authorized by the DPW, the traveled path shall not be

obstructed. The portion of the Public Way which are torn up or which are used for storing materials, or are otherwise unsafe for public travel, shall be adequately protected at all times to avoid the possibility of accidents. Such areas shall be marked at night by flares, lanterns, lights, flasher beacons or other warning devices approved by the DPW. When portions of the traveled way are made dangerous for the movement of vehicles or pedestrians, a sufficient number of uniformed police officers, flagmen or traffic men shall be employed by the Permittee to direct the traffic safely through the areas. The work shall, if possible, be planned to avoid such conditions.

#### c. DETOURS

When, in the opinion of the Director of Public Works, a Town highway may be obstructed by the permit applicant's proposed operations to such an extent as to unduly restrict vehicular traffic or make hazardous its use, a parallel Town road bypass may be designated by the Police Chief. All expenses incurred by the Permittee and by the Town as a result of this bypass establishment (to include police details), use and restriction of said detour, shall be the entire responsibility of the Permittee. The Permittee shall notify the Police, Fire and School Departments of the layout and expected time of the use of the detour. The Permittee shall supply and maintain such signs at his expense as may be reasonably necessary to clearly outline the detour.

Preliminary to detouring of traffic over a road bypass, an inspection shall be made by the Permittee and a representative of the Town, the Director of Public Works or the Police Chief to determine the adequacy of the signs and the structural condition of the road involved. A second inspection shall be made by the same persons when the detour is terminated so that there will be an agreement as to the extent of repairs, if any, to be made by the Permittee to restore the conditions equal to those existing prior to the establishment of the detour.

#### d. PROTECTIVE MEASURES AND ROUTING OF TRAFFIC

The Permittee shall, in general, maintain safe crossing for two (2) 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. Adequate crossings shall be maintained for vehicles and pedestrians when an excavation is made across any public street, alley or sidewalk. When an excavation is made on any major or minor arterial road takes up more than one third (1/3) of the roadway, and it is to remain open overnight, steel bridging of sufficient strength will be required to maintain a normal traffic flow.

The Permittee shall take appropriate measures to assure that during the performance of the excavation work, traffic conditions are as near normal as possible and shall be maintained at all times so as to minimize inconvenience to the occupants of the adjoining properties and to the general public. When traffic conditions permit, the Director of Public Works or his designated representative, with the approval of the Police and Fire Departments, may close streets and alleys for a period of time as the Town determines is necessary. The written approval of the DPW may require notifications to various public agencies and to the general public. In such cases, such written approval shall not be valid until such notice is given. In cases of an emergency on weeknights, weekends, or holidays, the facility owner having such an emergency shall contact the Police and Fire Departments by telephone before closing a street to traffic. Warning signs shall be placed



far enough in advance of the construction to alert traffic within a public street. Cones or other approved devices shall be placed to channel traffic in accordance with the instructions of the DPW and Police Department after their review of the proposed Traffic Management Plan for the project.

19. DRAINAGE SYSTEMS TO BE KEPT OPEN

The work performed under permit shall be planned and carried out so that drainage systems of the highway are effective at all times. Any drainage arising from the failure of the Permittee to properly keep culverts, ditches, inlets, catch basins or any other drainage device from becoming obstructed, must be borne by him and the bond shall be held by the Town until such damages are paid.

20. RELOCATION AND PROTECTION OF UTILITIES

The Permittee shall not interfere with any existing facility without the written consent of the Town and/or the owner of the facility. If it becomes necessary to relocate an existing facility, this shall be done by its owner. No facility owned by the Town shall be moved to accommodate the Permittee, unless the cost of such work is borne entirely by the Permittee. The cost of moving privately owned facilities shall be similarly borne by the Permittee unless it makes other arrangements with the person owning the facility. The Permittee shall support and protect to the satisfaction of the owner of the facility, all pipes, conduits, poles, wires or other apparatus which may in any way be affected the excavation work. The Permittee shall secure approval of the method of support and protection from the owner of the facility.

In case any said 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 structure, 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 paragraph that the Permittee shall assume all liability for damage to facilities and injury to persons. The only exception will be such instances where damage is exclusively due to the negligence of the owning company. The Town shall not be made a party to any action because of this paragraph. The Permittee shall inform himself as to the existence and location of all underground facilities and protect the same against damages.

21. PROTECTION OF ADJOINING PROPERTY

The Permittee shall at all times, and at his own expense, preserve and protect from injury and adjoining property by providing proper foundations and lateral support, and by taking such other precautions as may be necessary for the purpose. The Permittee shall, at his own expense, shore up and protect buildings (subject to Building Inspector review & permit), trees, walls, fences or other property likely to damage 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.

The Permittee shall not remove, even temporarily, any trees, shrubs, traffic signs, signals, lops or survey bounds which exist in the street area without first obtaining the written consent of the Director of Public Works or his designee, or Town official having control

of such property. In the event of damage, the Town shall be compensated in a manner acceptable to the governing department.

22. CARE OF EXCAVATION MATERIAL

All material excavated from trenches, and files adjacent to the trench of, in any street, shall be piled and maintained in such a manner as not to endanger those working in the trench, pedestrians, or users of the street, and so that as little inconvenience as possible is caused to those using the street adjoining properties. Whenever necessary, in order to expedite the flow of traffic or to abate the dirt or dust nuisance, toe boards or bins may be required by the Town to prevent the spreading of dirt into traffic lanes. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, the Town 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 Permittee's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

23. STREET OPENING CONSTRUCTION STANDARDS

The Town of North Reading Street Opening Construction Standards is incorporated by reference into this policy. This document includes standards and specifications for workmanship, pavement cutting, excavation, backfill, temporary & permanent pavement repairs, backfill material, steel plates, references, and standard detail drawings.

24. DRIVEWAY OPENING

The approval of a Street Opening Permit application for driveway construction shall be contingent on the following conditions:

- The driveway opening approved shall be used strictly to provide access to adjoining property and not for the purpose of parking or servicing vehicles within the Town right-of-way.
- The driveway shall be constructed in accordance with standard details for driveway openings and standard specifications on file in the office of the Public Works and such changes as may be necessary to fit a particular condition.
- Existing driveway openings fronting the property and which will not be in use shall be reconstructed to a normal sidewalk and curb across section where such sidewalk and curb exists.
- No more than one combination entrance and exit shall be allowed for any property the frontage of which is less than sixty (60) feet. Parcels having a frontage from one hundred fifty (150) feet to two hundred (200) feet will be permitted two (2) entrances if a minimum of forty (40) feet is used as a channelizing island. Driveways leading to commercial establishments shall also have the approval of the Planning Board.
- The driveway within the limits of the Town right-of-way shall slope towards the gutter as noted in Town standards.

- Drainage ditches or gutters shall not be altered or impeded in any way. Where a driveway shall cross an open ditch, the Applicant shall provide suitable drainage structures as determined by the Director of Public Works.
- When existing sidewalk or curbing has to be removed to construct a driveway, such sidewalk or curbing shall be removed for its full depth and to formed joints. The breaking and removal of parts of sidewalk slabs or parts of curbing will not be permitted. All curb cuts will be angled  $45^{\circ}\pm$ .
- Under unusual circumstances, as directed by the Director of Public Works, the above regulations may be varied.

25. PROMPT COMPLETION OF WORK

After an excavation has 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 herein. Unless requested and stated in the approved permit, the standard street opening permit duration is 30 days. The Permittee shall perform such restoration so as not to obstruct, impede or create a safety hazard to either pedestrian or vehicular traffic.

26. NOISE, DUST DEBRIS

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

27. PRESERVATION OF MONUMENTS

Any monument 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 within the Town, shall not be removed or disturbed without first obtaining permission, in writing, from the Town to do so. Insofar as the Town has the right to do so, permission to remove or disturb such monuments, reference points or benchmarks shall be granted only when no alternate route for the proposed substructure or conduit is available. If the Town is satisfied that no alternate route is available, permission shall be granted only upon condition, by an agreement in writing, that the person or utility applying for such permission shall pay all expenses incidental to the proper replacement of the monument by a Registered Land Surveyor.

28. GRANITE CURB

No person or utility shall remove, damage, haul away, or cause misalignment of any granite curbing, including radius curb, catch basin stones, or cobblestones, for any reason whatsoever without first receiving written permission from the Director of Public Works or his designee.

29. BITUMINOUS BERM

Any person or utility damaging bituminous concrete berm during the course of excavation, or for any other reason, shall be charged for the repair or replacement of the bituminous concrete berm.

30. RESTORATION OF PAVEMENT MARKINGS

All permanent pavement markings (crosswalks, traffic center lines, etc.), that are obliterated or damaged during construction, shall be repainted or replaced by or under the direction of the Department of Public Works, at the expense of the Permittee.

31. EXCAVATION DURING WINTER

No person or utility shall be granted a permit to excavate or open any street or sidewalk from November 15<sup>th</sup> of each year to April 1<sup>st</sup> of the next year unless an emergency or special condition exists and permission is obtained in writing, from the Town.

Any person or utility wishing to obtain an excavation permit between the aforementioned dates, shall first explain fully, in writing, the nature of the emergency situation to the Town before permission is granted. If a hazardous condition, which would endanger life and/or property exists, excavation work shall not be delayed by this section of the manual. However, a written explanation shall be delivered to the Town as soon as possible and an excavation permit obtained for the opening made.

32. INSPECTIONS

The Town shall make such inspections as are reasonable necessary in the enforcement of this policy. The Town shall have the authority to promulgate and cause to be enforced such rules and regulation as may be reasonably necessary.

33. EXCAVATION ON A RESURFACED STREET

Whenever the Town has developed plans to reconstruct a street, the Town, or its representative, will give notice to the abutting property owners, Town 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 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 such utility shall make a written application to the Town explaining fully the reasons for requesting such an extension of time.

At the expiration of the time fixed and after such street has been reconstructed, no permit shall be granted to open such street for a period of five (5) years, unless in the judgment of the Director of Public Works an emergency condition exists or the necessity for making such installation could not reasonably have been foreseen at the time such notice was given.

If a permit is granted, the Town may impose extraordinary conditions on the Permittee to preserve the structural condition of the pavement and to blend the permanent patch with the existing pavement. These conditions include but are not limited to:

- All applicable sections of the Street Opening Construction Standards shall apply for cutting through pavement. Saw cutting is the preferred option.
- All material excavated shall be removed and directly loaded onto a dump truck for offsite disposal. No material shall be placed on the roadway.
- Upon completion of the utility work, a twelve (12) inch envelope of approved pipe bedding material shall be placed over installed.
- The trench will then be backfilled to the bottom of the base course using Controlled Density Fill (CDF), Type 1E
- All applicable provisions of the Street Opening Construction Standards shall apply for temporary and permanent pavement patching to include an infra-red treatment of the permanent roadway patch to be performed after one (1) seasonal freeze-thaw cycle to allow for settlement.

#### 34. PENALTY

##### a. NONCRIMINAL DISPOSITION.

Any enforcing person or any official of the Town of North Reading taking cognizance of a violation of a specific by-law, rule, or regulation which he is empowered to enforce, as an alternative to initiating criminal proceedings, may proceed pursuant to the provisions of Massachusetts General Laws Chapter 40, Section 21D to prosecute the alleged violation civilly. Each day or portion of a day that any violation is allowed to continue shall constitute a separate offense. The penalty for a first offense is \$50/ day and \$100 for a second offense.

##### b. UNACCEPTABLE WORK.

If the work, or any part thereof, mentioned in the preceding sections shall be unskillfully or improperly done, the Town shall cause the same to be skillfully and properly done and shall keep an account of the expense thereof; and, in such cases, such person or utility shall pay the Town an amount equal to the whole of said expense incurred by said Town with an additional amount of 50% to cover indirect costs. The total cost is referred to herein as "recoverable charges". Thereafter, upon completion of the work and the determination of the costs thereof the Town shall issue no further permits to any person or utility until it shall receive payment of said costs.

##### c. REPEAT VIOLATIONS.

Any person or utility who continues to violate any regulation of this manual shall receive no further permits until such time as the Director of Public Works is satisfied that the person or utility shall comply with the terms of this policy.