

**CHAPTER 339:  
ORDINANCE CONCERNING EXCAVATION OF STREETS AND HIGHWAYS,  
PERMITS AND BONDS**

**BE IT ORDAINED:**

- 1. PERMITS.** No excavation shall be made in any town street or town highway or any street shown on an approved subdivision layout in the Town of Orange without first obtaining a permit in writing from the selectmen and said selectmen shall have the authority to grant such permits on such terms and conditions as hereinafter provided for the excavation and back filling of such excavations in any street or highway and for the replacement and resurfacing of any highway so removed for such excavation.
- 2. INSURANCE BOND.** No permit for excavating in any street or highway in the Town of Orange shall be granted until the application shall file with the selectmen evidence of insurance coverage of not less than ***\$100,000 - \$300,000 bodily injury liability and \$10,000 property damage and a performance bond*** conditioned that the applicant shall fill all excavations and shall restore the street or highway to a condition for resurfacing as approved by the board of selectman or its agent, as hereinafter specified, and that under said insurance coverage and performance bond that the applicant will save and indemnify the Town of Orange from any and all liability, damages and cost that may in any manor be incurred by the Town of Orange by reason of or in connection with a permit or such excavation. All such bonds and insurance coverage's required by this ordinance shall be for the period of a calendar year and renewals shall be filed with the selectman before January first of each year. The permittee may dispense with the filing of a separate bond for each excavation by filing annually with the board of selectman the proper evidence of insurance coverage hereinbefore provided for, conditioned, however, that an application must be made for a permit for each separate excavation. Evidence of insurance coverage and performance bond satisfactory to the board of selectman shall be presented to said board of selectmen.

No evidence of insurance and no bond shall be required of any public service company authorized to do business in the Town of Orange whose capital and surplus is in excess of \$1,000,000.
- 3. EXCAVATIONS.** The use of power machinery for excavations, by other than public service companies authorized to do business in the Town of Orange, shall be allowed only by special permission in writing of the board of selectmen or its agent. The permittee shall at all times take all proper precautions to safeguard any sewer lines, water mains, electrical conduits, telephone conduits, gas mains, gas lines, or other appurtenances encountered in excavation and shall properly maintain such installations so as to provide uninterrupted service of the same. In locations where the

use of power equipment will endanger such installations, the work of excavating must be provided by land labor. Excavations must be made in open cut and no tunneling will be allowed except by special written permission for the board of selectmen or its agent. Trenches shall be braced and sheeted when and as ordered by the board of selectmen or its agent.

- 4. RESTORING EXCAVATIONS.** All excavations made under permit within street lines provided for in this ordinance shall be back filled with bank run gravel or crushed stone or such other material as is approved by the board of selectmen or its agent. Back filling must be done in properly compacted layers of (2) feet for the entire depth of the trench, or by rolling with sufficiently heavy equipment to assure proper compacting. No muck, clay, frozen earth, or other deleterious material shall be replaced in the ditch. All muck, clay, or other deleterious material shall be replaced with bank run gravel or other material approved by the board of selectmen or its agent. All materials removed from the site and disposed of by the permittee. All ditches within the travel way of any street or highway shall be sealed immediately by the permittee with a suitable patching material.
- 5. MAINTENANCE.** The permittee shall guarantee to maintain the repaired excavation for a period of (60) days, when it shall be resurfaced by the Town of Orange and, in the event it is necessary to make any repairs to the excavation during this sixty (60) day period, this guarantee shall be extended to include a period of thirty (30) days from the date of the repair work. The Town shall not resurface excavations made by or on behalf of any public service company authorized to do business in the Town of Orange. Such public service company shall resurface all excavations made by or on their behalf in sixty (60) days after such excavation is made and shall leave the street or highway in as good condition as it was prior to such excavation.
- 6. PROTECTION OF EXCAVATIONS.** All excavations shall be properly protected by barricades, danger warning signs and during the night season, by proper flares or red warning lights. It shall be one of the conditions of the permits and the duty of the permittee to maintain theses warning signs and lights at all times that the excavation is open. In the event that it is necessary to excavate across the entire width of any street or highway only one-half of the street is excavated. In the event of an emergency when it shall become necessary to close the entire street or highway the police department and fire department shall be notified at once of the action to close the street or highway.

- 7. PENALTIES.** If the permittee does not abide by all of the above stipulations and regulations the Town of Orange, by action of its board of selectmen, shall have the authority to refuse said permittee any permits for said work for any length of time that they deem necessary in case of an emergency. If the permittee or any of his representatives are not available, the town has the right to repair any defect to eliminate any hazard or remove any emergency it may deem necessary and the permittee shall reimburse the town for any cost incurred in the completion of the same. No vehicle, harrow, machinery or implement of any kind shall be operated or drawn upon any highway or bridge, other than trunk line or state aid, in the Town of Orange in such a manner or in such condition, or equipped in such manner, as to cut or injure the surface of such highway or bridge. Any person who shall violate any provision of this act shall be fined not more than \$25 or imprisoned not more than 30 days or both.
- 8. FEES.** Permittee must obtain a "Call Before You Dig" number along with a \$25.00 per street opening project.