# ORDINANCE #

## *Town of Goffstown*

ORDINANCE OF THE BOARD OF SELECTMEN

The Board of Selectmen of Goffstown New Hampshire, ordain as follows:

I. TITLE: This ordinance shall be known and may be cited as the STREET EXCAVATION ordinance of the Town of Goffstown.

II. AUTHORITY: RSA 41:11; 41:14-b; 47:17, VII; 236:9-12.

III. DECLARATION OF PURPOSE: This ordinance is enacted to protect the Town's investment in our road infrastructure to ensure the safe passage of the traveling public throughout the Town's Right of Way. The enactment of this ordinance will supersede and rescind all previous Street Excavation Ordinances.

Any construction on the surface or sub-surface, within the Town's Right of Way, that disturbs existing conditions can proceed only after issuance of a permit by the Department of Public Works in accordance with the Town's "Street Excavation Rules" which are in effect at the time of the permit application.

The "Street Excavation Rules" will be developed based on compliance with applicable RSA's, current engineering principles and public works best practices. The rules shall specify the permit application/issuance process, the associated fees and bonds, and detailed construction rules. The fees or bonding amounts specified in the document require Board of Selectmen approval after a noticed public hearing.

IV. ENFORCING AUTHORITY:

A. The Department of Public Works, with the approval of the Board of Selectmen, shall develop and maintain Street Excavation Rules which will specify the issuance of permits, permit requirements, fees and bonds associated with the excavations within the Town's Right of Way.

B. This ordinance, and the corresponding Street Excavation Rules, once adopted, shall be enforced by the Goffstown Department of Public Works and the Police Department after the adoption of the Street Excavation Rules.

V. PENALTIES: Unless otherwise stated, any person or unnatural person within the meaning of the Criminal Code, who violates an ordinance shall be guilty of a violation. Pursuant to RSA 502-A:11-a or RSA 47:17, the District Court shall have jurisdiction of the prosecution of any violation of the Town of Goffstown Ordinances. All fines collected shall be for the use of the Town. The Town may enforce to the maximum penalty allowed by law. The enforcement authority may issue a summons and complaint along with a notice of fine pursuant to the procedures for pleas by mail set out in RSA 502-A:19-b.

VI. WAIVERS: In instances where the strict imposition of the specifications contained in the street excavation regulations is determined to be unnecessary to adequately provide for the proper repair of the subject street/infrastructure or otherwise presents an unnecessary

hardship to the party being required to repair the road, the Board of Selectmen, with the recommendation of the DPW Director, may waive such provisions of the applicable ordinance or standard as they deem appropriate and applicable, so long as the integrity of the highway infrastructure is not unreasonably compromised thereby.

VII. EXCLUSIONS: These requirements shall not apply where such matters are governed by State Law.

VIII. PROCEDURE:

Public Hearing Dates: March 25, 2013 and April 8, 2013

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| Date Posted: | 3/18/2013 | Locations Posted: | Town Hall, Library & website |
| Date Published: | 3/18/2013 | Publication(s): | UNION LEADER |
| Adoption Date: | 4/22/2013 | Effective Date: | 5/6/13 |

IX. SIGNATURES:

Collis G. Adams, Chairman

John A. Brown

Mark T. Lemay, Vice Chairman

Nicholas Campasano

Philip A, D'Avanza

TOWN CLERK

Date: 5/6/13