CHAPTER 12
STREETS AND SIDEWALKS

SECTION 12.1 - Excavate, Obstruct or Encumber

PERMIT REQUIRED: No person, firm or corporation, or any agent or servant thereof, shall excavate, obstruct, or in any way encumber any street, sidewalk or other City-owned property or right-of-way in the City of Somersworth without first having obtained a written permit to do so from the City Engineer, except where such licensing power is particularly vested in the City Council (see RSA 231:184). Any person, persons, firm or corporation violating any of the provisions of this section shall be fined not less than $500.00 nor more than $1,000.00 for each violation, pay for any repairs necessary to bring the trench into compliance, and may subject the Permittee/contractor to revoked digging privileges.

EXCEPTION, PER RSA 236:9: The exception to the above shall be in cases of emergency where the public health or safety is endangered. Such immediate action as may be necessary may be taken without such permission, but in such cases the person directing or taking such action shall at once notify the City Engineer.

REGULATIONS: Permittees shall obtain a copy of and adhere to all provisions of the Somersworth Construction Standards by the Department of Public Works and Utilities.

WORK SCHEDULE: Except for emergencies as may be deemed essential by the Department of Public Works and Utilities, no person, firm or corporation or any agent or servant thereof, shall excavate, obstruct, or in any way encumber any street, sidewalk, or other City-owned property or right-of-way in the City of Somersworth between the 15th of November and the 15th of April. The City Engineer must approve the schedule of work. Scheduling will be such as to not unreasonably interfere with traffic.

FEES: Every permit will require the Permittee to pay a fee to the City to cover the City's cost of reviewing, processing, inspecting, and executing the permit. The amount of the fee will be established by the Department of Public Works and Utilities.

BONDS AND LETTERS OF CREDIT: Every Permittee will be required to furnish one of the following:

- Bonds - Permittees who regularly work in the City can opt to provide an annual bond to the City, with the approval of the City Engineer. The amount of the bond will be established by the Department of Public Works and Utilities.
- Letters of Credit - Permittees who regularly work in the City can opt to provide a Letter of Credit from a New Hampshire bank to the City, with the approval of the City Engineer. The amount of the Letter of Credit will be established by the Department of Public Works and Utilities.

BACKFILLING, PAVING, DUST CONTROL, AND TRAFFIC CONTROL: These items will be done in accordance with the Somersworth Construction Standards.

INSPECTIONS: The City Engineer or his designee may inspect the site prior to the commencement of backfill, during the backfill operation, prior to the commencement of paving and during the paving operation. It shall be the responsibility of the licensee to arrange for these inspections during normal working hours, and he shall provide a 24-hour notice.

MORATORIUM PERIOD: The moratorium period limiting excavations is as follows:

- For roads that have been overlayed the moratorium shall be three (3) years.
- For roads that have been reclaimed, reconstructed, or are newly constructed, the moratorium period shall be five (5) years.

INSURANCE: As a condition of this permit, the Permittee shall agree to provide insurance to indemnify the City of Somersworth and the Department of Public Works and Utilities, including all officials and employees thereof. Required policies shall include, but not be limited to. Comprehensive General Liability and Workman's Compensation. The requirements of the policies will be according to the Somersworth Construction Standards.

REVOCATION OF PERMIT: The City of Somersworth, Department of Public Works and Utilities, or the City Engineer may revoke any permit issued under this regulation at any time.

Section 12.2 - Use of Sidewalks

No person shall drive any vehicle or equipment on any sidewalk in the City, except for strollers, wagons, carriages, or other methods of transporting small children.

Section 12.3 – Signs and Awnings

No person shall place, establish or maintain any sign, awning or shade before his or her place of business, dwelling house or tenement, over any part of any street or sidewalk, unless the same be safely fixed and supported so as in no way to incommode or endanger persons passing upon such street or sidewalk and so that the lowest part of such sign, awning or shade shall be at least seven and one-half feet above the sidewalk; nor shall any person hang, affix, fasten, place or allow to remain upon the outer edge of any sidewalk, any sign or showcase except in conformance with the requirements of the Zoning Ordinance.
(Amended 7/18/1994.)

Section 12.4 - Rubbish, Refuse and Garbage

(See Chapter 7 - STREETS, SIDEWALKS, SEWERS).

Section 12.5 - Snow and Ice

No person shall deposit, or cause to be deposited, any ice or snow that has been removed from private property in or upon any street, sidewalk or public place in the City.

Section 12.6 - Transporting Buildings

No person shall move, or assist in moving, any house, shop, or other building through any street, lane or alley, without first obtaining a written license therefore in the manner prescribed in Section 1 of this chapter.

When the City Engineer shall, as aforesaid, grant permission to any person, firm or corporation, to encumber any street sidewalk or public square, for the purpose of erecting, altering or moving buildings, or to dig up or encumber the same in any other manner, he may, as a condition to granting such permission, require the party obtaining the same to furnish a bond of indemnity to the City of Somersworth in such sum and with such sureties as he may deem proper.

Section 12.7 - Driveways

PERMIT REQUIRED: It shall be unlawful to construct, or alter in any way that substantially affects the side or grade of, any driveway, entrance, exit, or approach within the limits of any street, sidewalk or other City-owned property or right-of-way in the City of Somersworth without first having obtained a written permit to do so from the City Engineer, except where such licensing power is particularly vested in the City Council (see RSA 236:13). Any person, persons, firm or corporation violating any of the provisions of this section shall be fined not less than $500.00 or more than $1,000.00 for each violation and pay for any repairs the City deems necessary.

REGULATIONS: Permittees shall obtain a copy of and adhere to all provisions of the Somersworth Construction Standards by the Department of Public Works and Utilities.

FEES: Every permit will require the Permittee to pay a fee to the City to cover the City's cost of reviewing, processing, inspecting, and executing the permit. The amount of the fee will be established by the Department of Public Works and Utilities.

Section 12.10

The City Engineer shall issue permits in accordance with rules and regulations promulgated by the Planning Board. June 6, 1972.

Chapter 12 amended 6/18/2001.