



TRENCH PERMIT PETITION

Lawrence, Massachusetts

[Ord. Secs. 12.12 and 12.30]

PERMIT NO: _____

Date: _____

I. Your petitioner (*name of property owner*) _____ respectfully represents that public necessity and convenience requires the granting and issuance of a permit to excavate the (Street/Sidewalk) a distance of _____ ft. and width of _____ ft. for the period of _____ days beginning _____ for the purpose of _____

Location: _____

II. Will the location of the work obstruct or reduce available public parking? [*check one*]: YES []; NO []
If YES, the following notification of the parking administrator/contractor must be completed:

PARKING ADMINISTRATOR/CONTRACTOR NOTIFICATION: I hereby confirm notification that the location of the excavation work granted by this permit will result in the reduction or loss of parking spaces within the authority or control of the parking administrator/contractor for the City of Lawrence.

Parking Administrator/Contractor for the City of Lawrence _____ **date**

III. NOTICE OF EXCAVATION: Has notice of excavation been provided to DIGSAFE and/or any other lawful notice as required by law? YES [] [NOTICE MUST be affirmed BEFORE a petition may issue].

(*name of contractor*) _____ (*name of owner/agent*) _____

(*address of contractor*) _____ (*address of owner/agent*) _____

(*tel. no. of contractor*) _____ (*tel. no. of owner/agent*) _____

Certificate of Liability Insurance of 100,000.00 per person/\$300,000.00 per claim [see; G.L. c. 82A, sec.2]

----- **CITY ENGINEER AUTHORIZATION** -----
 Permit Granted ; Permit Denied; _____ / _____
DIRECTOR OF ENGINEERING/CITY ENGINEER DATE

----- **CLERK VERIFICATION OF INSURANCE** -----
Staff must verify and complete all of the following [*check each if completed*]:
 Certificate if Ins. on file; Copy of Certificate attached; Permit issued; _____ / _____
STAFF INITIALS DATE

***WARNING TO PETITIONERS:** NOTICE TO THE ELECTRIC CO., GAS CO., TELEPHONE CO., AND ALL UTILITY SERVICES REQUIRED BY LAW MUST BE COMPLETED **BEFORE** THIS PETITION MAY BE ISSUED. Contact DigSafe at <http://www.digsafe.com/index.php> or phone 811.

***PETITIONER MUST NOTIFY THE POLICE DEPARTMENT UPON ISSUANCE OF THIS PERMIT**
***COMPLIANCE WITH THE PROVISIONS OF "TRENCH SAFETY REGULATIONS"[ORDINANCE SEC. 12.12.025 - ATTACHED] IS REQUIRED.**

Sec. 12.12.025. TRENCH PERMITTING AND SAFETY ORDINANCE:

A. In accordance with the *Excavation and Trench Safety Regulation* M.G.L. c. 82A §1 and 520 CMR 14.00 et seq. (the “Regulations”), this section is adopted to establish a Trench Permitting procedure, to set the application fees and penalties for violators, and to establish the City Engineer as the permitting authority with the intent to:

- a. Protect the safety of the citizens of the Commonwealth from the hazards inherent in trenches; and**
- b. Provide for penalties for individuals who violate any provision of these regulations.**

B. Definitions as used in this section:

APPLICATION FEE: An appropriate, non-refundable, processing fee, in an amount to be determined and set by the City from time to time, which shall accompany each application for a Trench Permit.

EMERGENCY: An unforeseen condition in which the safety of the public is in imminent danger because of a threat to life or health or where immediate correction is required to maintain or restore essential public utility service.

EXCAVATOR: Any entity including, but not limited to, a person, partnership, joint venture, trust, corporation, association, public utility, company or state or local Government body or public agency which performs excavation operations including the excavation of trenches.

GENERAL PUBLIC: All natural persons not engaged in the creation of a trench.

PERMIT HOLDER: The excavator who is responsible for acquiring a permit from the Permitting Authority.

PERMITTING AUTHORITY: The City of Lawrence or any other public agency required to administer the provisions of 520 C.M.R. 14.03.

PUBLIC AGENCY: A department, agency, board, commission, authority, or other instrumentality of the Commonwealth or political subdivision of the Commonwealth or two or more subdivisions thereof.

SERIOUS INJURY: A personal injury that results in death, dismemberment, significant disfigurement, permanent loss of the use of a body organ, member, function, or system, a compound fracture, or other significant injury that requires immediate admission and overnight hospitalization and observation by a licensed physician.

TRENCH: An excavation which is narrow in relation to its length, made below the surface ground in excess of 3 feet below grade and the depth of which is, in general, greater than the width, but the width of the trench, as measured at the bottom, is no greater than 15 feet.

UNATTENDED TRENCH: A trench where neither the permit holder, excavator, nor any of the people who work in or at the trench are present.

C. Necessity of a trench permit

No person shall, except in an emergency, make a trench excavation, in any public way, public property, or privately owned land within the City of Lawrence until a permit is obtained from the appropriately designated permitting authority.

D No permit to issue if taxes or fees are owed to the city

No person shall, except in an emergency, be issued a trench or excavation permit, in any public way, public property, or privately owned land within the City of Lawrence until all outstanding water and sewer assessments or charges and taxes have been fully paid to the City of Lawrence.

E. Requirements of a trench permit

The permit holder shall be responsible for obtaining the appropriate permit for the excavation of trenches for each project from the appropriate permitting authority. In order to obtain a permit, the following information must be submitted to the permitting authority:

- (a) Completed application;**

- (b) Certificate of insurance;
- (c) Required fee in accordance with 520 CMR 14.03 (6) where applicable

F. Application procedure

Completed and signed Trench Applications will be forwarded to the City Engineer for review. The City Engineer shall promptly review the Application and shall include any permit conditions deemed appropriate. If the Application is considered favorably, a Trench Permit containing such conditions and supplemental instructions as the City Engineer reasonably deems appropriate shall promptly issue upon the satisfaction of any conditions precedent which the City Engineer may establish. If the Application is not favorably considered, the City Engineer shall communicate in writing to Applicant the reasons its Application was not favorably considered.

G. Revocation and Suspension of Permit by Permitting Authority

The City Engineer may, after a hearing, suspend or revoke a permit issued pursuant 520 CMR 14.03. All hearings under this section shall be held in accordance with G.L. c. 30A and 801 CMR 1.02. Each permitting authority shall have the discretion to establish the grounds consistent with this regulation for a suspension or revocation. Such suspension or revocation shall not be imposed in a manner which directly, substantially or specifically regulates the occupational safety or health of any employee engaged in employment covered by the Federal Occupational Safety and Health Act.

H. Immediate shutdown by state or local authorities

Whenever the City Engineer, or an inspector from either the Department of Public Safety or the Division of Occupational Safety deems a condition at a trench site to be a threat to public safety he may order that the area around the trench be made safe for the general public and may further order the immediate shutdown of the site until such time as the condition has been corrected to the satisfaction of the authority responsible for the immediate shutdown.

Conditions which warrant immediate shutdown of a trench site by the City Engineer, an inspector from the Department of Public Safety, or the Division of Occupational Safety may include:

1. A fatality or serious injury to a member of the general public;
2. Failure to use protections for the General Public in accordance with this regulation or an ineffective use of any protection for the General Public allowed by 520 CMR 14.04;
3. Failure to obtain a permit from the permitting authority;
4. Any other condition that constitutes a serious threat to life, limb or property of the general public as determined by the permitting authority, an inspector from the Department of Public Safety, or the Division of Occupational Safety.

I. Re-inspection following immediate shutdown

The trench site shall remain closed until all necessary repairs and corrections have been made to the satisfaction of the authority responsible for the immediate shutdown, provided however, that the Department of Public Safety and Division of Occupational Safety shall have concurrent jurisdiction to authorize the reopening of a trench shut down by either agency. Reopening of the site may not occur until the site has been inspected by the authority ordering the immediate shutdown and found to be safe for reopening and operation.

J. Appeal from immediate shutdown

Any person aggrieved by the decision by the Department of Public Safety, the Division of Occupational Safety, or the City Engineer to shut down a trench site pursuant to 520 CMR 14.05 may make an appeal for a hearing to the entity responsible for the immediate shutdown. The site shall remain shut down during the appeal period. Such appeal shall be made in writing within 10 calendar days. Upon receipt of the appeal, a hearing shall be scheduled promptly. All hearings under this provision shall be held in

accordance with G.L. c. 30A and 801 CMR 1.02. Any person aggrieved by a decision after hearing may appeal to the Superior Court in accordance with G.L. c. 30A § 14.

K. Serious injury/fatality

An excavator shall report all serious injuries or fatalities which occur at the location of a trench to the State Police within one hour from the time the serious injury occurred. In the event that a serious injury or fatality occurs, the trench site shall be immediately secured. The site surrounding the trench shall not be disturbed, cleaned, or altered in any way except by a public authority or as necessary for the preservation of life and property or the removal of the injured person(s) until receiving express authorization from an inspector of the Department of Public Safety.

Office of the City Attorney

March 18, 2009

City Ordinance Sec. 12.12.30 – RESTRICTIONS UPON ISSUANCE OF PERMITS:

No petition for a permit which involves excavating in any street or way, including sidewalks, or the removal or the disturbing of any pavement, or other similar thing for any purpose whatever, shall be granted, except under the following restrictions and conditions and such other restrictions and conditions as the city council may think proper:

- A. All proposed excavations shall be saw cut prior to commencing work. Any irregular, broken, ragged or undermined edges shall be cut clean and straight before patching. All cuts made into sidewalks shall be saw cut prior to excavating. Any utility cut in a sidewalk will be patched within twenty-four (24) hours of completion of work and shall be of the same material that was excavated. If a cut occurs in the middle of a concrete sidewalk square or squares, then the entire square or squares must be replaced.**
- B. All trenches are to be backfilled with "flowable fill" from a depth of one foot above the pipe(s) to within four inches below the surface grade. This will apply to all excavations within the street area.**
- C. All cuts are to be infrared patched. The surface of the trench after compaction shall conform to the grade of the surrounding area.**
- D. All boring holes, test squares or sampling squares shall be properly filled, tamped and sealed to maintain the integrity of the roadway.**
- E. The location of any trench excavated by a public utility, or by a contractor working for said utility, or by a private contractor shall be thoroughly cleaned with any surplus material removed from the site and disposed of legally.**
- F. Any contractor working on behalf of a home owner for repaving or creating a driveway must follow the guidelines set forth by the engineering department, zoning and building departments.**
- G. All applicants shall be responsible for maintaining their trenches for a period of two years. If any settling or deterioration of the patch occurs within that time, the contractor is responsible to rectify the flaw. If the city must intervene and repair the patch, then the city will bill the contractor of record for its expense including but not limited to labor cost, material and equipment costs.**
- H. All work shall be inspected and approved by an individual designated by the director of public works.**

(Ord. dated 9/2/08; prior code § 24-4)



CITY OF LAWRENCE LICENSE APPLICATION

[TAX ASSESSMENT AND VERIFICATION FORM]
ORDINANCE: 3.08.110 AND 5.04.080 & MGL C.40, SEC 57
COMPLIANCE LIST

ALL PAYMENTS REQUIRED BEFORE ISSUANCE OF PERMITS OR LICENSES
(Please print)

Name of Applicant

Applicant's current Address

Applicant's Telephone No.

City

State, Zip

Property Owner's Name

Property Owner's Address

Owner's Telephone No.

City

State, Zip

DO YOU OWN OTHER PROPERTIES IN THE CITY OF LAWRENCE? YES NO
Please list below

List of Applicant's Other Properties *(Must attach Assessor's print out of all applicant's properties)*

Address

Map and Lot

Address

Map and Lot

Address

Map and Lot

More space needed - See attached list. Attachment must be signed and dated and stamped by City departments

Applicant's Signature

I declare under the pains and penalties of Perjury that the statements made on this application are true and correct. I also certify that all information herein is true and complete. I understand that any misleading or incorrect statements render this application void and can be grounds for revocation of permit or license. I have not knowingly and willfully made false statements or included false documents in support of this application or permit

Tax Collector's Stamp

(Taxes
Demolition
Liens)

Tax Collector's Staff Name

Signature

Date

Water Department's Stamp

(Water &
Sewer)

Water Department's Staff Name

Signature

Date

Inspectional Services' Stamp

(Trash
Tickets,
etc...)

Inspectional Services Staff Name

Signature

Date

This sign off list must be attached to all permits or license applications.
All sign off must include department stamps, signatures and dates.
PHOTOCOPIES WILL NOT BE ACCEPTED.

Lawrence City Ordinance 3.08.110- Payments due prior to issuance of licenses or permits.

A. The city shall deny any application for and shall revoke or suspend any license or permit, including renewals and transfers, issued by any board, officer or department for any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges, or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges.

B. This section shall be administered in accordance with General laws, chapter 40, section 57, as amended from time to time.

(Ord. dated 8/2/95: prior code § 25-11)

Lawrence City Ordinance 5.04.080 - Denial, revocation, or suspension of licenses and permits for failure to pay municipal taxes or charges.

A. The tax collector shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges for not less than a 12-month period, and that such party has not filed in good faith a pending application for an abatement of such tax of a pending petition before the appellate tax board.

B. The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than 14 days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate. *Ord. dated 5/3/05)*

Massachusetts General Laws (MGL) Ch 40, Section 57. - For full language of this law visit <http://www.malegislature.gov/Laws/Search>.

PERMIT NO: _____

***NOTICE:** All work completed MUST be reviewed and approved by the Director of Engineering/City Engineer to avoid further action on the bond by or on behalf of the City of Lawrence to recover damages:

-----**EXCAVATION REVIEW**-----

Location: _____

NAME OF CONTRACTOR

NAME OF (OWNER/AGENT)

ADDRESS OF CONTRACTOR

ADDRESS (OWNER/AGENT)

-----**APPROVAL**-----

The work authorized in accord with the above permit has been completed and complies with the provisions of City Ordinance sec. 12.12.30 and/or any applicable State Law in regard to repavement, patching, reconstruction, renovation, and/or any damage repair resulting from excavation, construction or demolition conducted in relation to the above permit.

date: _____

DIRECTOR OF ENGINEERING/CITY ENGINEER

-----**NOT APPROVED**-----

The work authorized in accord with the above permit has NOT been completed or otherwise does NOT comply with the provisions of City Ordinance Sec. 12.12.30 and/or any applicable State Law in regard to repavement, patching, construction, reconstruction, renovation, and/or any damage repair resulting from such excavation, construction or demolition conducted in relation to the above permit. The following remediation is recommended as being necessary/require [attached additional pages if necessary]:

date: _____

DIRECTOR OF ENGINEERING/CITY ENGINEER

-----**STAFF ONLY**-----

Staff Initials" _____ Check all that apply:

A copy of this notice has been provided "in hand" to _____

[date] _____.

A copy of this notice has been mailed to the following entity/individual and address on [date] _____:
