

SECTION 02000  
GENERAL PROVISIONS  
TABLE OF CONTENTS

02010	GENERAL
02015	QUALITY OF WORK
02016	PRECONSTRUCTION CONFERENCE
02020	QUALITY OF MATERIALS
02025	SUBMITTALS
02030	INSPECTIONS
02040	CLEARING AND GRUBBING
02050	EARTHWORK
02060	MAINTENANCE OF TRAFFIC
A.	General
B.	Materials
C.	Installation and Maintenance
02070	CONCRETE
02080	PERMITS
A.	Town Permits
B.	NCDOT Permits
02090	ACCEPTANCE PROCEDURES
A.	Corrections Period
B.	Final Acceptance
02100	ENCROACHMENTS WITHIN TOWN UTILITY EASEMENTS
A.	Easements
B.	Encroachments
02110	CONTRACTOR LICENSE REQUIREMENTS
02120	RETAINING WALLS
02130	OSHA STANDARDS
02140	SAFETY AND HEALTH HAZARDS

02010-1

## **02010 GENERAL**

Construction of (1) Town projects by contractors hired by the Town; (2) infrastructure, including but not limited to streets, greenways, and utilities, to be dedicated to or maintained by the Town or another governmental entity; (3) private streets that are open to the public; and (4) private greenway connections to public greenways shall conform to the Specifications and Code. Designs of streets, utility systems, storm drainage systems, and grading plans shall be signed and sealed by a licensed NCPE, PLS, Architect or Landscape Architect in accordance with N.C. General Statute Chapters 83A, 89A, and 89C.

All construction shall comply with all relevant provisions of the Code, including but not limited to Sections 22-102 – 22-112 (“Noise”) and Section 36-1 (“Tampering with water or sewer systems--Protection of systems on certain days”), as they may be amended from time to time. Section 36-1 prohibits performing “any excavation or other work adjacent to or near” the Town’s water or sewer system (including reclaimed water system) or the making “of any street or other repairs which might endanger said water or sewer system on any legal holidays of the town or on Saturdays or Sundays without prior written permission of the town manager.”

The Town recognizes that there may be limited circumstances in which strict adherence to the Specifications is not feasible or desirable. Upon written request for a modification, the Director of Water Resources, the Director of Transportation and Facilities, or an Assistant Town Manager may approve construction drawings which do not conform to the technical standards, technical specifications, or numerical values set forth in the Specifications; provided, however, such approval of modifications may be granted only if the requested modification (i) will not adversely impact public safety or Town infrastructure, and (ii) will maintain the intent and purpose of the Specifications. A request for modification must be made by formal written request to the Director of the appropriate department with supporting information that justifies the modification.

The person requesting the modification may appeal from the decision of the Director or Assistant Manager as provided in Section 1-14 of the Code. Approval of a modification request does not constitute Town assurance that the requested modification is sufficient or appropriate.

## **02015 QUALITY OF WORK**

Safe work condition shall be maintained at all times on actively used public infrastructure. The Town of Cary reserves the right to correct safety problems and charge the Contractor or responsible party that obtained the permit.

## **02016      PRECONSTRUCTION CONFERENCE**

All Contractors performing work on or installing new public infrastructure shall contact the Water Resources Department-Infrastructure Field Services to set up a Preconstruction Conference prior to beginning any construction activities.

## **02020      QUALITY OF MATERIALS**

Materials shall be of the highest quality and free from defects. Materials not specified herein may be used upon written approval by the Town.

## **02025      SUBMITTALS**

All Contractors performing work on or installing new public infrastructure shall first submit three (3) copies of submittals/shop drawings to the Water Resources Department – Infrastructure Field Services for all construction materials. The Contractor shall thoroughly check all submittals for accuracy and conformance to the intent of the Specifications, and make any necessary changes, prior to submitting them to the Town. All submittals/shop drawings shall bear the Contractor's certification stating that they have been so checked. This certification shall include the following statement: "By this Submittal, I hereby represent that I have determined and verified all field measurements, field construction criteria, materials, dimensions, catalog numbers, and similar data and I have checked and coordinated each item with other applicable approved shop drawings and all contract requirements." **SUBMITTALS WITHOUT THE CONTRACTOR'S CERTIFICATION WILL BE RETURNED TO THE CONTRACTOR WITHOUT REVIEW.**

No material shall be ordered, fabricated, or shipped, or any work performed until the Town receives the appropriate submittal/shop drawing.

Where manufacturer's publications in the form of catalogs, brochures, illustrations, or other data sheets are submitted, items for which approval is requested shall be specifically indicated. Submittals showing only general information shall not be acceptable.

## **02030      INSPECTIONS**

The Contractor shall provide the necessary manpower and equipment required for inspections. The presence of the Engineer or Inspector at the work site shall in no way lessen the Contractor's responsibility for conforming to the Specifications. Should the Engineer or Inspector accept materials, or work that does not conform with plans and Specifications, whether from lack of discovery or for any other reason, it shall in no way prevent later rejection of, or corrections to, the unsatisfactory materials or work when discovered. The Contractor shall have no claim for losses suffered due to any necessary removals or repairs resulting from the unsatisfactory work. Any work which

has been covered without the Inspector's approval, shall, at the Inspector's request, be uncovered and be made available for inspection at the Contractor's expense. Work performed before or after Town staff's normal work hours or during the weekend or Town Holidays shall comply with the Code and shall include only such tasks that do not require observation by an Inspector.

## **02040 CLEARING AND GRUBBING**

The work of clearing and grubbing consists of the cutting, removal, and satisfactory disposal of all vegetation and surface debris. Clearing and grubbing shall be conducted in a manner to prevent damage to adjacent property and vegetation that is intended to remain growing.

## **02050 EARTHWORK**

Earthwork consists of the removal of earth from its natural location or the depositing of such material into the proper fill areas as designated on the plans.

Fill material shall be free from construction material, debris, frozen material, organic matter or unstable material. Fill material shall weigh a minimum of 100 pounds per cubic foot, and be free of stones greater than 4 inches.

The top twelve (12) inches of sub-base under a proposed roadway, and the entire base course, shall be compacted to a density of 100 PERCENT maximum Standard Proctor dry density as determined by AASHTO method T99. For that portion of fill under roadways and extending at a slope of 1 to 1 beyond the back of curb, and for areas under proposed sidewalks, compact to a density of NO LESS THAN 95 PERCENT of the maximum Standard Proctor dry density as determined by AASHTO method T99. Fill material shall be placed in lifts of 8 inches or less of uncompacted soil.

Other fill material shall be compacted to a density of NO LESS THAN 90 PERCENT of the maximum Standard Proctor dry density as determined by AASHTO method T99. Backfill material shall be placed in lifts of 12 inches or less of uncompacted soil.

In areas where landscaping and vegetation is proposed, within the median or behind the back of curb, the top 12" shall be prepared to support installation and growth of landscaping and vegetation.

## **02060 MAINTENANCE OF TRAFFIC**

### **A. GENERAL**

When construction occurs in a traffic zone, traffic control devices must be erected, maintained, relocated, and removed in accordance with the plans, Specifications, NCDOT Supplement to the MUTCD, or MUTCD. This requirement shall apply for all construction occurring on public streets, including installation and rehabilitation by landscaping contractors, and construction or repairs by utility companies.

During construction activities and incomplete projects, temporary measures will be required to provide and maintain pedestrian accessibility. If a development project requires the removal of existing sidewalk or prevents access to existing sidewalks, as part of the development plan, a pedestrian traffic control plan shall be required to be designed to address the safe re-routing and detouring of pedestrians around the development site.

### **B. MATERIALS**

Materials used in the fabrication and installation of construction traffic control devices shall be in accordance with the MUTCD.

All enclosed lens (Engineer's Grade) sheeting required for use on traffic control devices shall have an identification mark on the surface. This mark signifies that the sheeting meets the requirements of Federal Specification L-S-300C for Minimum Reflectivity 1 Sheeting and Tape. The identification mark shall not interfere with the function of the device, but shall be visible in both daylight and under illumination without the use of special devices.

### **C. INSTALLATION AND MAINTENANCE**

Existing public streets or highways shall be kept open to traffic at all times unless permission to close the street, or portions thereof, is granted by the Town. The Town Communications Division of the Police Department must be contacted BY THE CONTRACTOR A MINIMUM OF 24 HOURS before any streets are closed or partially closed.

Work on any project shall not start until all traffic control devices required for the particular work activity are properly installed.

Traffic control devices shall be properly maintained, relocated as necessary, cleaned, and operated during the time they are in use. During periods when use of the devices is not warranted, they shall be removed from the work area, covered, or otherwise positioned so that they do not convey their message to the traveling public.

Weeds, brush, trees, construction materials, equipment, etc. shall not be allowed to obscure any traffic control device in use.

Competent and properly trained, attired, and equipped flaggers using "stop" and "slow" paddles shall be provided when two-way traffic cannot be maintained.

The Contractor shall assume full responsibility for the continuous and expeditious maintenance or replacement of all construction warning signs, barricades, and other traffic control devices. The Contractor shall continuously review and maintain all traffic control measures to assure that adequate provisions have been made for the safety of the public and workers. Failure to maintain all traffic control devices in a satisfactory condition shall be cause for suspension of construction operations until proper traffic control is re-established.

## **02070 CONCRETE**

Concrete shall be only plant-mixed or transit-mixed concrete conforming to ASTM C33 for aggregates and to ASTM C94 for ready-mixed concrete. Any concrete poured that has a slump over 4 inches per ASTM C143, or has a batched time of more than 90 minutes, will be considered unacceptable. Concrete shall not be deposited on frozen subgrade. Concrete shall not be poured when the air temperature is falling below 40°F, and the predicted low temperature for the succeeding 24 hour period is less than 32°F.

All concrete when placed in the forms shall have a temperature of between 50 and 90°F and shall be maintained at a temperature of not less than 50°F for at least 72 hours for normal concrete and 24 hours for high early strength concrete, or for as much time as is necessary to secure proper rate of curing and designed compressive strength.

Concrete shall be air entrained with 5-7% air. Retarders and accelerators shall be used only as directed by the Town.

## **02080 PERMITS**

### **A. TOWN PERMITS**

- 1) Environmental Permit - An Environmental Permit is required whenever the denuded area on a project is to be 12,000 square feet or greater. An Environmental Permit must be issued prior to any grading or site work.

02010-6

- 2) Driveway Permit - A Town of Cary and/or NCDOT Driveway permit is required for all new driveway construction on public streets. See Section 03055 for more information.
- 3) Burning Permit – An Open Burning Permit shall be obtained from the Inspections & Permits Department prior to burning. A site inspection is required and all open burning shall comply with all local and state requirements.
- 4) Blasting Permit - A Blasting Permit is required for the manufacture, storage, handling, sale, transportation or use of any quantity of explosives or explosive materials. This permit is required a minimum of 24 hours in advance of any explosive material or blasting agents being transported into the Corporate Limits of the Town. A preliminary site inspection must be completed before the permit will issue, and proof of liability insurance is required. When a blasting permit is obtained from another jurisdiction for work to be done (i) adjacent to Town of Cary corporate limits; (ii) adjacent to any Town-owned property, including easement interests; or (iii) within or upon any Town-owned property, including easement interests, the permit holder shall notify the Inspections and Permits Department a minimum of 24 hours in advance of any use of blasting materials. Notification shall include a copy of the approved blasting permit from the appropriate jurisdiction. Fireworks or pyrotechnic special effects permits shall be obtained from the Wake County Fire Marshal's Office.
- 5) Town of Cary Encroachment Agreement - An Encroachment Agreement is required for any work proposed within the right of way of Town maintained streets, within any Town property, or within Town owned easements such as but not limited to water line easements, sanitary sewer line easements, greenway easements, and sight distance easements.
- 6) Utility System Extension - A permit is required for any extension of the Town's utility system. The application for the permit should be submitted to the Town after final plan approval. The P.E.'s certification that the project was constructed in accordance with the approved plans must be received by the Town prior to the system being placed in service.

Regional and private pump stations and force mains require approval by NCDEQ.

## **B. NCDOT PERMITS**

It is the responsibility of the Owner/Developer to obtain NCDOT permits.

- 1) Encroachment Agreement - Any project which will encroach on NCDOT right of way requires an encroachment agreement. All encroachment submittals must be submitted to NCDOT and be accompanied by five (5) sets of plans and five (5) copies of the agreement. Fee schedules and encroachment forms are available from the NCDOT.
  - a) For the installation of utilities or landscaping, a 3-party agreement between the developer, the Town and NCDOT is required. These permits are to be completed and turned into the Transportation & Facilities Department for signature and shall be submitted to NCDOT by the applicant.
  - b) For roadway widening, sidewalk installation, curb and gutter, and storm drainage, a 2-party agreement between the developer and NCDOT is required. The fee is determined by NCDOT.
- 2) Driveway Permit - Any project which requires a new access to an NCDOT roadway requires a driveway permit. These permits are to be completed and turned into the Transportation & Facilities Department for signature and shall be submitted to NCDOT by the applicant. All submittals must be accompanied by five (5) sets of plans and five (5) copies of the permit. The fee is determined by the NCDOT.

## **02090 ACCEPTANCE PROCEDURES**

All improvements intended to be dedicated to and maintained by the Town or another public entity are eligible for acceptance following the procedures outlined below:

### **A. CORRECTIONS PERIOD**

- After the installation of improvements in accordance with approved plans and Specifications, the Owner/Developer shall contact the Water Resources Department – Infrastructure Field Services and request an inspection.
- The Water Resources Department – Infrastructure Field Services will respond with a punch list.
- The Owner/Developer must complete all items indicated on the punch list and any additional items noted within 60 days or the



punch list will be void. The Owner/Developer must then request another inspection.

- Upon the acceptable completion of all punch list items and payment of any outstanding fees, the Owner/Developer will receive a letter from the Town that indicates the corrections period for the improvements has started. During the corrections period, the Owner/Developer will be responsible for repairs or replacement of infrastructure as a result of poor workmanship or material failures or defects for not less than one year. The Town may perform routine maintenance during the corrections period only for infrastructure that is to be ultimately maintained by the Town.

**B. FINAL ACCEPTANCE**

- No more than 30 days prior to expiration of the Corrections Period, the Owner/Developer shall request a final inspection from Water Resources Department – Infrastructure Field Services.
- The Water Resources Department – Infrastructure Field Services will respond with acceptance Certificate of Completion or a punch list.
- The Owner/Developer must complete all items indicated on the punch list and any additional items noted within 60 days or the punch list will be void. The Owner/Developer must then request another final inspection.
- Upon the acceptable completion of all punch list items, the Owner/Developer will receive a Certificate of Completion from the Town. Final acceptance of Town-maintained improvements occurs when the Certificate of Completion is issued. Until final acceptance, all materials and workmanship are the responsibility of the Owner/Developer.

**02100 ENCROACHMENTS WITHIN TOWN UTILITY EASEMENTS**

No part of any structure, permanent equipment, private utility line (including water, irrigation, and sewer lines) or impoundment may be placed, and no grading may occur within any Town of Cary easement, prior to obtaining full site plan approval, a building permit, or an encroachment agreement from the Transportation and Facilities and/or Water Resources Department(s). An encroachment agreement may allow fences to cross easements provided that appropriate access gates have been installed to allow maintenance. No more than a 3-ft encroachment will be granted for fences paralleling a

utility. Any application for an encroachment agreement must include plans to facilitate access and maintenance of the utility and must include any documentation which the Town needs to determine that no damage will occur to the utility. The Town will not be held liable for damage to any encroachment during the maintenance of the Town facility or structure.

Ground covers or grasses may be planted within the easement. No trees or shrubbery of any size shall be placed within 5' of any manhole or within any Town easement because of the need for access and to prevent line damage that tree and shrub roots can cause. Any improvements installed within the easement are subject to disturbance or damage during the Town's use of the easement and may be removed by the Town and not replaced.

## **02110 CONTRACTOR LICENSE REQUIREMENTS**

Contractors performing construction involving the Town utility and street systems shall be licensed to practice general contracting in the State of North Carolina. Contractors shall only perform construction within the limitations of their State license.

## **02120 RETAINING WALLS**

Retaining walls providing vertical relief greater than 5 feet in height, within a horizontal distance of 50 feet or less, shall be designed by either a licensed NCPE or Architect in accordance with N.C. General Statute 89C. Retaining walls less than 5 feet in cumulative vertical relief and supporting a structure located closer than the vertical relief shall also meet the same design criteria. Both structure types will be required to obtain a building permit in accordance with the Town of Cary Land Development Ordinance. The design shall be submitted to the Planning Department for approval prior to construction, and a building permit may be required from the Inspections and Permits Department as well. Safety rails or fencing may also be required. Retaining walls, including supports, foundations, reinforcement, and any other wall appurtenances are not allowed within Town of Cary right-of-way or easements.

## **02130 OSHA STANDARDS**

Contractors and their employees must comply with OSHA standards.

## **02140 SAFETY AND HEALTH HAZARDS**

The operations of any Contractor shall not expose Town employees to any hazardous chemicals or other occupational safety and health hazards. All contractors working on Town projects or on Town property shall comply with OSHA standards concerning the handling and storage of hazardous chemicals, specifically, the visible display of warning and information placards for use by emergency services. The Contractor shall also advise the Town of the appropriate control measures to be used by the Town employees to prevent exposure and to minimize risk of exposure.

END OF SECTION 02000