

Section 22. Excavation and Trench Safety¹⁶⁻²²

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Purpose. The purpose of this chapter is to establish reasonable standards to protect the safety of the citizens of the Town of Canton from the hazards inherent in trenches and to provide for penalties for individuals who violate any provision of this chapter.

(a) **Authority, Fee.** Pursuant to the provisions of MGL Ch. 82A, the regulations of the Department of Public Safety in conjunction with the Division of Occupational Safety as promulgated under 520 CMR 14.00 regarding excavation and trench safety are expressly incorporated into this bylaw by reference. A reasonable fee to defray the cost of administration incurred in the review and processing of permits under this chapter shall be established pursuant to MGL Ch. 40, s. 22F and Ch. 82A, s. 2.

¹⁶⁻²² Inserted under article 39, ATM April 29, 2009. 148

(b) **Permitting Authority.** The Director of the Department of Public Works or the Director's designee shall serve as the "Permitting Authority" for excavations to take place on both property that is owned or controlled by a public agency or that a public agency otherwise has a property interest in, including but not limited to an easement, and for excavations to take place on privately owned land. The Director of the Department of Public Works or the Director's designee, acting as the Permitting Authority, may delegate some or all of the Director's authority under this chapter to the Building Inspector and the Fire Chief or the Fire Chief's designee.

(c) **28-4. Police Detail.** In the event that the Permitting Authority becomes aware or is notified of an unattended trench during a time when the permit holder is unavailable, it may require a fire department detail to attend such unattended trench, that is unprotected by any means provided for in 250 CMR 14.00, to protect the general public, the cost of which shall be assessed to the permit holder.

(d) **128-5. Application.** The provisions of this chapter shall apply to any excavator in the Town of Canton.

(e) **128-6. Violations.** Any person violating this section shall be fined three hundred dollars (\$300.00) for each offense, each day constituting a separate offense. The enforcing persons for this bylaw shall be the Permitting Authority or Permitting Authority's designees and any one fire shift commander of the Town of Canton. Non-criminal disposition of violations shall be available to apply to violations pursuant to Article I, General Provisions, Section 2 of the By-Laws of the Town of Canton.

Independent reference excerpt. Consult the official town PDF for authoritative formatting and subsequent amendments.

Source: <https://www.town.canton.ma.us/DocumentCenter/View/13507/GENERAL-BY-LAWS-2025#page=148>