

(Ordinance modified and approved by the Board of Selectmen on 10/21/08 and to go into effect on 10/22/08.)

ARTICLE II. EXCAVATIONS*

*Cross references: Sewer construction permits, § 17-51 et seq.

Sec. 14-21. Permit--Required; regulations.

- (a) No person shall make any opening or excavation or shall construct any walk, curb, pavement, driveway or other construction work within, on or through any street, highway or public right-of-way including a state highway, for any purpose whatsoever, unless supervised by the director of public works or his designated representative and after proper permits have been obtained from the director of public works. Construction being done for the town or any other governmental agency within the town does not exempt the contractor from obtaining the necessary permits for the construction.
- (b) A separate permit shall be required for each location or address at which the excavator proposes to work except that only one (1) permit shall be necessary for main line construction or for adjacent locations at the same property.
- (c) No permit will be issued on any highway that has been resurfaced for a period of five years after such construction, except for emergencies, provided that all utility companies have been notified in writing one year prior to the construction.
- (d) Any applicant seeking a permit to perform work on a state highway must get a street opening permit from the town before applying for a state permit. This section will not supersede any regulations as set forth by the state department of transportation in regards to excavation in state highways.
- (e) Nothing in these regulations shall be construed to prevent the making of any necessary excavation or the performance of any work related thereto by any public service company, in the event of an emergency.
- (f) In the event the work of the permittee requires the closing of a public highway for any period of time, notice shall be given in writing 24 hours in advance to the police department and to the director of public works, or his designated representative. The director may determine the need for closing the highway and may require the work or work method be so altered as to provide for traffic flow. The director or his agent shall provide written notice to the police and fire departments in advance of closing any public highway.
- (g) Tunneling shall be done only when approved by the town engineer.
- (h) All excavation materials shall be compactly piled and shall not interfere with public travel to any greater extent than necessary. It shall be a condition of the permit and the duty of the permittee and/or contractor to maintain proper safety facilities to safely regulate both pedestrian and vehicular traffic at the site as ordered by the director of public works in his discretion including, but not limited to, barricades, warning signs, warning lights, flares, limited work hours, flagmen and/or public safety officers. If the location and extent of the work is such that the director of public works determines that flagmen and/or public safety officers are required, same shall be provided at the expense and responsibility of the contractor.
- (i) Backfill in trenches within paved areas shall be placed in layers not more than 12 inches thick and shall be thoroughly compacted by tamping or other approved means to the satisfaction of the director of public works or his agent. The materials used for backfill shall be subject to the inspection and approval of the director of public works, or his agent, and if, in his opinion, the excavated material is unsuitable for backfill, the contractor shall be required to dispose of the unsuitable material in the amounts and proportions specified by the director or his agent. When backfill has been completed within 15 inches of the finished pavement or surface grade, the next 14 inches shall be filled and compacted using an approved grade of bankrun or processed gravel. The last one inch shall be covered with adequate temporary bituminous paving material and in such a manner as shall be approved by the director of public works.
- (j) The contractor will be required to maintain his work until released by the town. During this period he shall inspect the trench at such regular intervals as may be necessary to maintain the area in satisfactory condition. The contractor shall make all necessary repairs, and in the event that the contractor fails to make such repairs as are deemed necessary the contractor shall be held liable for costs incurred to make the necessary repairs. Failure on the part of the town to give notice that repairs are needed shall not relieve the contractor of any of the duties set forth herein.
- (k) Within six months but no sooner than 30 days unless otherwise instructed by the director of public works or his agent, the contractor shall make permanent repairs in the following manner. The contractor shall cut one foot beyond all sides of the patched area with a saw or pneumatically operated spade. The cut shall be vertical and in straight lines. After the temporary material has been removed, the edges shall be painted with an asphalt emulsion prior to the placement of the permanent pavement. Hot laid bituminous concrete shall be placed in two courses when the extent of the job warrants at the discretion of the director of public works or his agent so as to give a two-and-a-half-inch compacted surface or a surface that has a depth equal to the existing street surface, whichever is greater. Compaction shall be made with a power-driven roller, as directed by the director of public works or his agent. The finished surface shall be free from waves or depressions and properly graded to existing surface.
- (l) Hot laid bituminous concrete shall be as specified by the highway department of the state in their specifications and latest revisions for "Surface Course Grading 11."

(m) Six months after completion of construction, the contractor shall apply for termination of the permit and release from any obligation involved thereafter. If in the opinion of the director or his agent the work is not satisfactorily completed, necessary repairs shall be undertaken by the contractor and an additional period of liability established by the director of public works or his agent will be established before release.

(n) If the work is not done or the surface is not maintained in a condition satisfactory to the director of public works, the contractor shall be liable for the cost of all repairs thereto which may be made by the director. A minimum charge of two hundred fifty dollars (\$250.00) will be charged to cover town expense for each occurrence which requires town maintenance.

(o) Any person violating any provision of this section shall be fined not more than \$100.00 for a first offense and \$100.00 for each subsequent offense.

(Code 1961, § 17-8)

Cross references: Licenses, permits and miscellaneous business regulations, Ch. 10.

Sec. 14-22. Same--Fee; bond required.

(a) Permits required pursuant to section 14-21 will not be issued until the applicant has performed the following:

(1) Paid to the town a permit fee of \$100.00. There shall be an additional charge of twenty-five dollars (\$25.00) per cut. A street opening shall be considered a multiple cut if it extends for a distance in excess of fifty (50) feet.

(2) Filed with the town surety bond of \$10,000.00 from an indemnity or surety company authorized to do business in the state, except those public utility companies which under the state statutes are exempt;

(3) Filed with the town a certificate of public liability insurance naming the town as an additional insured in an amount to be determined by the director of public works;

(4) Filed with the town an agreement to indemnify and hold the town harmless from and against any and all claims for injury to person or property arising out of the work being performed in connection with said permit;

(5) Filed his business address with the director of public works and shall notify him promptly of any changes therein. Any orders or notices the director's office may have to give to the applicant, mailed to the address so filed, shall be considered as due notice delivered to him personally;

(6) Filed and maintained names, telephone numbers and addresses of persons who may be contacted in case of emergency after regular working hours.

(b) The surety bond, certificate of insurance and indemnity agreement referred to in subsection (a) of this section shall be delivered to the director of public works and subject to the approval of the town counsel and filed with the legislative body for the town.

(Code 1961, § 17-9; Ord. of 12-6-94(3))

Sec. 14-23. Resurfacing.

If an excavation or any other activity within a roadway results in the removal or damage to six feet or more of the existing pavement, the roadway shall be repaved from curb to curb throughout the entire area where such excavation or other activity occurred.

(Ord. of 6-29-98)

Secs. 14-24--14-35. Reserved.

Approved by the Board of Selectmen on 10/21/08 and to go into effect on 10/22/08.

Robert J. Koskelowski, First Selectman 10/22/08