

ORDINANCE #791
Street Excavation

Ordinance # 791

AMENDMENT TO ORDINANCE #715

Adopted by the Board of Aldermen: April 14, 2005
Date

Approved by the Mayor:

4.26.05 Mark A. Funt
Date Mayor's Signature

Attested to: Margaret Dwyer
City/ Town Clerk

Margaret Dwyer

2005 APR 34 P 2:58

CITY OF SHELTON
TOWN CLERK

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Amends Ordinance #715 **Street Excavation Ordinance**

Sec. 14-51. Permit Required

- (a) No person shall make any opening, excavation, or construct any walk, curb, pavement, driveway, or perform other construction work within, on, through, or under any public street, highway or public right-of-way located in the city, including a state highway, for any purpose whatsoever, unless a permit has been obtained pursuant to this article from the director of public works or his designated agent. Any permit issued shall be valid for a period of ninety (90) days from the date thereof. Any work performed pursuant to such permit shall be subject to approval by the director of public works or his designated representatives.

On state highways located within the city, the city street opening permit must be obtained prior to the issuance of a permit by the department of transportation of the state. This article does not supersede any regulations as set forth by the state with regard to excavation in state highways.

- (b) Street opening permits will not be issued until an applicant has a condition precedent:
- (1) Paid to the city a permit fee of twenty five (\$25.00) for each opening, excavation, etc.; and
 - (2) Unless exempted as provided in this article, paid to the city a fee for the cost of permanent patching of the street as calculated on a cost of per square yard basis by the city engineer; and
 - (3) Unless exempted as provided in this article, filed with the city a surety bond in an amount which is sufficient, in the opinion of the city engineer, to secure the adequate restoration of the street as required by this article. In lieu of a surety bond the city engineer may require a cash bond or a letter of credit;
 - (4) Unless exempted by this article, provided the city with evidence of general liability insurance in minimum amounts of five hundred thousand dollars (\$500,000.00) for each person, one million dollars (\$1,000,000.00) for each occurrence, bodily injury insurance and one hundred thousand dollars (\$100,000.00) property damage insurance which policies shall name the city as an additional insured;

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- (5) Shall have provided the city with the full name and business address and telephone number of the applicant, and the name, address and telephone number of two (2) persons with authority from the applicant to take action in case of emergency and who will be available on a twenty-four hour basis;
- (6) Provide a general statement of the scope of the proposed work in such detail as may reasonably be required by the director of public works, or his designated representative, including the number of days that the work is estimated to take and specific plans for safeguarding the work and any condition left prior to the final completion of work. These plans shall be subject to review and approval by the public works director or his designated representative and the public works director or his designated representative may make such reasonable requirements as are necessary in order to insure safe passage on the highway and to protect the public health, safety and welfare. Such requirements may include, but are not limited to, provisions for lights, barricades, warning signs and the like depending upon the nature of the work.
- (7) **Provide a letter from the Chief of Police or his designee, acting as the Traffic Authority, setting forth such measures as the Chief of Police or his designee requires in order to insure the safety of the public and to maintain adequate traffic flow and control.**

The letter shall specify the type of traffic control, if any, that is required to maintain traffic flow and public safety, to wit: (1) Police Officers; (2) Flag Persons; (3) Signs and/or warning devices; or (4) Exempt (no traffic control required) or any combination of the foregoing.

Utility company service vehicles, such as electric, gas, water, telephone and or cable companies stopping for a short period of time on the traveled portion of the highway in order to complete repairs or to render certain service may be exempt from providing traffic control of the type and form described above, at the sole discretion of the Chief of Police or his designee in order to maintain traffic flow and public safety.

Any work that is being conducted on a public street may be required by the Chief of Police or his designee to post warnings in both directions, provide proper illumination of said warnings for a distance of at least 100 feet to warn motorists.

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All flag persons and Police Officers shall be properly trained in accordance with evidence of same provided to the Chief of Police or his designee and equipped at all times with the proper safety equipment.

Sec. 14-52. Same-Notice to director of public works; term.

The director of public works and the police department shall be notified at least twenty-four (24) hours in advance of actually starting any work authorized under a permit. Failure of the permittee to notify the city may result in the revocation of the permit. Permits are void three (3) months after their issue date.

Sec. 14-53. Public service companies

Nothing in this article shall be construed to prevent making of any necessary excavation or the performance of any work related thereto by any public service company in the event of an emergency. In the event of an emergency, the public utility company shall notify the city immediately or if after hours the start of the next city hall business day at which time application for a permit shall be made.

Any public service company which has complied with the provision of section 16-230 of the general statutes shall be exempted from the requirement of posting a bond as hereinbefore set forth and shall be further exempted from the requirement of paying a fee for the cost of permanent patching of the street opening as hereinbefore set forth, provided that the utility shall place on file with the city a written agreement constituting a continuing obligation binding the utility to permanent repair required by this article at its own expense and in such a manner as is required by this article as if the work were to be done by the city contractor as further guaranteeing the quality of the workmanship and materials to the same extent as would the city contractor and agreeing to complete the work at the times required by the city engineer. The utility shall warranty all their permanent repairs for one (1) year.

Sec. 14-54. Requirements if closing of public highway required

No highway may be closed without the approval of the traffic authority. Such approval shall only be issued in extraordinary circumstances, for a short period not to exceed one workday, and when occupied properties can obtain access by an alternate route. If the work of the permittee requires the closing of a public highway for any period of time, notice shall be given in writing to the traffic authority and to the director of public works or his designated representative twenty-four (24) hours in advance. The traffic authority 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 upon receipt of notice of the intent in advance of closing any public highway.

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Sec. 14-55 Tunneling or jacking

Tunneling or jacking shall be permitted only when plans prepared by a registered engineer are submitted to and approved by the city engineer.

Sec. 14-56. Materials not to interfere with travel; barricades required

All excavation materials shall be compactly piled and shall not interfere with public travel to any greater extent than necessary. Suitable barricades shall be provided, and warning lights kept burning between sunset and sunrise and any other time as may be required by the director of public works or his agent. If the location and extent of work is such that a traffic director, in the opinion of the director of public works or his agent, is required, such traffic director shall be provided at the expense and responsibility of the contractor.

Sec. 14-57. Backfilling

Backfill in trenches within paved areas shall be placed in layers not more than twelve (12) inches thick and shall be thoroughly compacted by tamping or other approved means to the satisfaction of the director or his agent. Compaction equipment must be at the excavation site and shall be utilized during all backfilling operations.

The material used for backfill shall be subject to the inspection and approval of the director, 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 materials in the amounts and proportions specified by the director or his agent. When backfill has been completed within the fifteen (15) inches of the finished pavement or surface grade, the next fourteen (14) inches shall be filled and compacted using an approved grade of bank-run or processed gravel. The last two (2) inches shall be covered with adequate temporary hot bituminous paving material (when available) and in such a manner as shall be approved by the city engineer.

Sec. 14-58. Inspections

The director or his agent is empowered to inspect all excavations for workmanship and materials. The excavation may not be permanently backfilled without the director or his agent present at the site. The city will require the permittee to excavate and expose for inspection any portion of the excavation backfilled without inspection or authorization to backfill.

Sec. 14-59 Maintenance of work by contractor

The contractor will be required to maintain his work until permanently paved by the city. 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 and the city must perform any work, the contractor shall pay the cost

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of this work. Failure on the part of the city to give notice that repairs are needed shall not relieve the contractor of any of the duties set forth herein.

Sec. 14-60. City responsible for permanent repair

The permanent repair of street openings shall be the responsibility of the city. The city shall charge each permittee a fee for cost of the permanent repair based on the area of the final repair as calculated by the city engineer. The square yard unit prices shall be annually determined by the city engineer in accordance with current costs and construction practices. A uniform method on which to base these costs shall be prescribed by the city engineer and approved by the director of public works.

In the event the size of the permanent repair exceeds the estimated size of permanent repair, the permittee shall pay the additional fee to the city within ten (10) working days. Failure to pay the additional fee will result in the permittee forfeiting any rights to future permits until the outstanding balance is received.

Sec. 14-61. Bituminous concrete

Hot-laid bituminous concrete shall be as specified by the state department of transportation in their specification and latest revisions for "Bituminous Concrete, Class 2".

Sec. 14-62. Liability of permittee for unsafe conditions or abandonment.

Any person, firm or corporation who violates any provision of this ordinance shall be subject to a fine of not more than \$100.00 for each violation. Any person, firm or corporation who receives a permit and leaves an excavation in an unsafe condition in violation of any of the provisions of this ordinance or abandons a street opening, shall be subject to a fine of not more than \$100.00 for each violation and shall be liable for all costs incurred by the city to correct any condition.

Sec. 14-63. City's right to not issue, revoke permits.

Any permit may be revoked by the director of public works for just cause including, but not limited to, defective workmanship, trench settlement, failure to notify or nonpayment of additional fees. The director of public works may refuse to issue a permit to any person, firm or corporation which has not paid to the city any fees incurred under the provisions of the ordinance prior to making such permit application.

Sec. 14-64. Termination of permit; release of contractor's obligations

Six (6) 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 or settlement is occurring, necessary repairs shall be undertaken by the contractor and an additional

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period of liability established by the director or his agent will be established before release. The installation of permanent repairs by the city, to such opening shall terminate the permit and release the permittee from any obligations thereafter.