

# **STREET EXCAVATION PERMIT MANUAL**

**TOWN OF SOUTH WINDSOR  
PUBLIC WORKS DEPARTMENT**

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### Section II - Town of South Windsor Ordinance

## Section II – Detail Requirements & Specifications

### 1. Permit Requirements

The following types of operations within the limits of Town highways and rights of way require a written application for permit issuance by the Public Works Department, before any work can be performed:

To construct, repair, install and maintain sewers, drains, water mains, gas mains, telephone and electrical conduits and service connections thereto, driveways, pavement extensions, manholes, inlets, catch basins, fire hydrants, sidewalks, curbs, steps, retaining walls or fences.

The issuance of a permit to an applicant to perform any of the above operations does not relieve the applicant in any way from complying with rules, regulations, laws and acts of other state or local agencies or departments.

Public utilities, utilizing a subcontractor to do the work, will identify on permit application the name of subcontractor and provide proof that the subcontractor is covered with proper amounts of insurance. The utilities shall be responsible for obtaining the permit.

### 2. Surety Bond

No such permit shall be issued until after the applicant has deposited with the Town a surety bond guaranteeing that any excavation made under such permit will be restored without cost to the Town. Such bond shall be determined by the Town Engineer based upon the extent of the work proposed and shall be a minimum of \$5,000. If, in the course of work, the permittee is required to take out an additional permit due to additional work being performed, the bond amount may be increased to cover the additional work.

### 3. Insurance Requirements

The minimum limits of insurance including automobile shall be as follows:

Public Liability, Bodily Injury, and Property Damage:

- |     |  |             |
|-----|--|-------------|
| (1) | Injury or death sustained by one or more persons as the result of any one occurrence                     | \$1,000,000 |
| (2) | Aggregate bodily injury limit for operations away from premises owned by or rented to the named insured. | \$1,000,000 |
| (3) | Property Damage  | \$500,000   |

Automobile and Truck Public Liability Bodily Injury and Property Damage:

- |     |  |             |
|-----|--|-------------|
| (1) | Injury or death to one person                                      | \$500,000   |
| (2) | Injury to more than one person as the result of any one occurrence | \$1,000,000 |
| (3) | Property Damage  | \$500,000   |

Workmen's Compensation as required by law.

### 4. Application for Permit

Each application form shall be completely filled in and signed by a responsible party of the firm and presented to the Engineering Department. An explanation of the application sketches or a separate sheet in duplicate shall be attached to the application. Such diagrams or sketches shall show the location of the work to be done in relation to the outstanding features of the road, such as, property lines, intersections, pavement lines, sidewalks, trees, drainage structures and utility poles by number and the character and extent of the work. They shall also indicate the size of the pavement cut proposed.

When applications are made for permits involving work of major scope, as determined by the Town Engineer or his representative, complete plans and specifications must be submitted in duplicate with the application form. They should be sufficiently detailed so that the exact location of the various parts of the work, the risk of injury to road users and the probability of damage to trees, highway structures and private property can be ascertained.

The applicant will be required to disclose the methods and materials proposed to be used on unusual or complex projects.

In the event the Permittee discovers that additional work or repairs not designated in the original permit must be done in the same location, the Permittee must make an application to the Town of South Windsor for a permit to authorize the additional work in the same manner as the first permit. Additional work shall be defined as changing the size of the road cut by 10% or more, changing the scope to include items of work not indicated in the original permit or work that the Director of Public Works or his designee deem as additional.

Permits will be issued after all required information is supplied, all insurance and bonding requirements are met, all fees collected and a careful review of the application is completed. It is anticipated that a permit can be issued within two (2) working days after application is received.

The applicant shall be responsible for contacting the Traffic Services Unit of the South Windsor Police Department to notify them of proposed road work. The Traffic Services Unit will need to know the location of the proposed work, a description of the proposed work, approximate start date, and whether Police will be required at the site. It will be the permittee's responsibility to notify the Traffic Services Unit of the actual start date prior to starting the work.

The applicant shall also contact "Call Before You Dig" at 1-800-922-4455 to obtain a CBYD ticket number pursuant to Connecticut Underground Utility Protection guidelines. This ticket number must appear on the application.

## **5. Permit Fees**

The fees for every permit issued are as follows:

- a. Application Fee \$25.00
- b. Permanent Pavement Patch Deposit

The permanent pavement patch work will be done by the Town's contractor and the Permittee will be responsible to pay for all costs for this work. The cost will be estimated based upon the proposed size of the hole and the current per square foot dollar amount. This amount will be collected when a permit application is submitted and will be called a "deposit for permanent patching". If the actual costs exceed this "deposit" the Permittee will be billed for the difference and will have 30 days to pay this balance. If actual costs are less than this "deposit" the balance will be refunded to the permittee.

As a minimum, the patch trench widths will be estimated as follows to determine the amount of the permanent pavement patch deposit:

1. Water Services: 6' wide
2. Gas Service: 6' wide
3. SNET or cable: 6' wide
4. Storm or Sanitary Sewer: O.D. Pipe + 2 times the depth of the trench
5. Storm or Sanitary Sewer – Trench Box/Shoring Used
  - 0'-4' deep trench – 6' wide
  - 4'-8' deep trench – 8' wide
  - Over 8' deep trench – 10' wide

The minimum trench size shall be estimated as 6'x4'. Estimated trench widths will depend upon the depth of the trench and will vary from these minimums. The unit cost per square

foot will be reviewed at least annually and will be the current costs bid by the Town's contractor. Contact the Town Engineer's office for the current rates.

## **6. Rejection of Applications**

When it appears that the work called for in an application would cause substantial or needless damage to a highway or create excessive disturbances to traffic or exceptionally dangerous conditions because of the construction method proposed by the permittee or because proper safeguards were not indicated, the request for permit will be denied. The applicant will be informed of such rejection with an explanation of the reasons for the rejection. The applicant shall revise his proposed method of construction, incorporating proper safeguards and equipment and resubmit his application.

The Director of Public Works, or his designee, may refuse to issue a permit to any person, company or utility when, in their opinion, work performed under a permit theretofore issued to the applicant has not been properly executed or when said applicant has failed to reimburse the Town for recoverable charges billed under terms covering the previous permit.

## **7. Emergency Permits**

When permission has been granted orally by the Town to perform emergency work, such as repair a broken gas or water main, the person or company concerned must file a written application for a permit within five (5) working days following oral approval in a manner prescribed for non-emergency work, thereupon, a written permit will be sent in confirmation of the oral permission as a permanent record of the transaction. Persons performing emergency work must have a current Certificate of Insurance and Surety Bond on file with the Town prior to performing any work within highway limits.

## **8. Permit Display**

A copy of the permit shall be available at the job site at all times for inspection by local police, Public Works personnel and other interested persons. To be valid, the permit must show the effective and expiration dates and must be signed by the Town Engineer or his designee. This regulation will also apply to public utilities and their subcontractors.

## **9. Extension of Time**

All required work shall be completed in a manner satisfactory to the Town before the assigned date shown on the permit except in cases where permanent repairs such as loaming and seeding must be made at a future date. Otherwise, the permit holder shall request the Town to allow him an extension of time. Extensions of time may be granted upon written request by the Permittee stating the reason(s) for the request.

## **10. Claims**

The applicant must agree, as a condition governing the issuance of a permit, he will hold harmless the Town of South Windsor, its officers, agents and employees from any and all claims and actions whatsoever arising from the exercises of said permit.

## **11. Responsibility for Boundary Lines**

Permittee shall retain their own land surveyors to establish the line or otherwise inform themselves of the demarcation between public lands and private holdings.

## **12. Replacement of Improvements within the Limits of the Town Right of Way or Public Property**

The Permittee, at his own expense, shall repair or replace any damage to sidewalks, curbs, driveways, lawns, mailboxes, and any other apertures caused by his activities under the permit in as good condition as before the work was started. This repair and replacement work shall be supervised by the Town of South Windsor's inspector assigned to the project. The replacement of any damaged or removed property monuments or pins shall be done by a surveyor registered for such work in the State of Connecticut.

### **13. Requirements for Pavement Patching**

The minimum requirements for Temporary and Permanent Patching shall be as follows:

#### **A. Temporary Pavement Patching**

1. Pavement may be jackhammered.
2. Excavation shall be backfilled with suitable material (as defined in the Town of South Windsor Public Improvement Specifications) and tamped (compacted) in 12" lifts. The Director of Public Works or his designee may approve as alternate method if conditions so require.
3. A minimum of six (6) inches of subbase material and a minimum 8" of base material shall be placed on top of backfill material and tamped.
4. The temporary pavement consisting of 2" of hot laid Class II bituminous concrete shall be applied and properly graded to match existing pavement. This shall be maintained for a period of time subject to the approval of the Director of Public Works. The time shall be, as a minimum, one winter/spring season in place, a minimum of six (6) months.
5. Work shall be in conformance with all Town of South Windsor Public Improvement Specifications and the Connecticut State Highway Department Standard Specifications for Roads, Bridges and Incidental Construction, Form 814, 1988 as amended.
6. The surface of the temporary pavement shall be reasonably smooth and the Permittee shall be responsible for its maintenance until the permanent surface can be replaced by the Town paving contractor. Normal traffic is not to pass over an area in which an excavation has been made until the temporary pavement has been placed. Temporary pavement shall be placed before the end of the workday.

#### **B. Permanent Pavement Patching**

1. After the time allowed by the Director of Public Works, the temporary bituminous patch shall be removed and the edges are to be sawed back a minimum of twelve (12) inches.
2. A minimum of two (2) inches of base material placed for the temporary patch shall be removed so that the pavement course applied can meet the elevations of the existing pavement surface adjacent to the patch.
3. Bituminous concrete shall be applied to a minimum thickness of four (4) inches, to the same thickness as the existing pavement, or to a specified thickness as directed by the Town Engineer or his designee. If the existing is less than four (4) inches thick, a minimum of four (4) inches of bituminous concrete shall be placed.
4. All edges of the patch are to be sealed by painting the sides of the sawed pavement with an asphalt seal prior to placement of the bituminous concrete and by painting surface joints after placement.

### **14. Inspection and Acceptance of Work**

The permittee shall notify the Town Engineers office at least 24 hours prior to start of construction. The Town's inspector shall inspect the work on an ongoing basis and shall sign the permit when all of the work, including restoration, is complete. If the restoration work cannot be completed because of weather constraints, the Permittee shall so notify the inspector. When weather constraints have been eliminated, the Permittee shall notify the Town Engineer's office at least 24 hours prior to starting the final restoration work so that the Town can inspect the work in progress.

## **15. Jurisdiction of Town Highways**

The granting of permits to install public utility and other structures does not diminish or waive the jurisdiction of the Town over Town right of ways. If at any time it becomes necessary in the opinion of the Public Works Director to remove or relocate any of the structures or fixtures installed under a permit, said removal or relocation, upon notification of the Public Works Director or his authorized agent, shall be made immediately. The costs shall be borne entirely by the owner.

## **16. Quality of Construction**

Construction repair, maintenance work, and materials used by Permittee shall be of the best quality for each class of work performed. All work shall conform to the Town of South Windsor Public Improvement specifications, State of Connecticut, Department of Transportation "Standard Specifications for Roads, Bridges and Incidental Construction", Form 814, 1988 as amended and recognized standards of construction repair and maintenance.

## **17. Safety to Traffic**

It shall be the duty of the Permittee to make certain that the security of the traveling public is safeguarded and its rights are not unreasonably curtailed. Unless specifically indicated in the permit or authorized by the inspector, the traveled path shall not be obstructed. The portions of the highway which are torn up or which are used for storing materials, or are otherwise unsafe for public travel, shall be adequately protected at all times to avoid the possibility of accidents. Such areas shall be marked at night by lights, flasher beacons or other warning devices as indicated in the Manual of Uniform Traffic Control Devices and as approved by the inspector. When portions of the traveled way are made dangerous for the movement of vehicles or pedestrians, a sufficient number of flagmen or traffic men as determined by the South Windsor Traffic Authority, shall be employed by the Permittee to direct the traffic safely through the areas. The work shall, if possible, be planned to avoid such conditions.

## **18. Detours**

When, in the opinion of the South Windsor Traffic Authority, a Town highway may be obstructed by the permit applicants proposed operations to such an extent as to unduly restrict vehicular traffic or make hazardous its use, a parallel Town road bypass may be designated. All expenses incurred by the Permittee as a result of this bypass establishment, use and restoration of said detour, shall be the entire responsibility of the Permittee. The Permittee shall discuss with the South Windsor Traffic Authority the layout and expected time of the use of the detour. The Permittee shall supply and maintain such signs at his expense, as may be necessary to clearly outline the detour.

Preliminary to detouring of traffic over a road bypass, an inspection shall be made by the Permittee and a representative of the Town to determine the adequacy of the signs and the structural condition of the road involved. A second inspection shall be made by the same persons when the detour is terminated so that there will be an agreement as to the extent of repairs, if any, to be made by the Permittee to restore the conditions equal to those existing prior to the establishment of the detour.

## **19. Drainage Systems**

The work performed under permit shall be planned and carried out so that drainage systems of the highway are effective at all times. Any damage arising from the failure of the Permittee to properly keep culverts, ditches, inlets, catch basins or any other drainage device from becoming obstructed must be borne by the Permittee and the bond shall be held by the Town until such damages are paid. All necessary Erosion and Control measures shall be in place prior to starting of any work.

## **20. Excavations**

The size of the excavation shall be kept as small as practical to carry on the work. No material removed in excavating shall be placed in the traveled path unless approved by the Inspector. In any case, the material shall be placed so as to interfere as little as possible with the ordinary use of this highway.

Whenever an excavation shall take place on any major or minor arterial street and shall include one-third (1/3) or more of the distance of the total width of the street, steel bridging of adequate strength may be required and shall be placed over the excavated trench, to maintain normal traffic flow; if said trench is to remain open overnight.

All excavation shall meet all OSHA requirements as described in the Federal Register 29CFR Part 1926.

## **21. Slides and Cave-Ins**

Should the pavement or sidewalk along the sides of the trench or excavation become undermined due to slides and cave-ins of the sides of the excavations, the Permittee or his contractor shall remove the pavement, sidewalk or other improvements over the cave-in and shall take immediate remedial measures to prevent further deterioration of the highway or its appurtenances. The Permittee shall temporarily replace the entire amount of the pavement or sidewalk destroyed by such slides and cave-ins. The Permittee, upon filling in the excavation after all work is complete, shall remove any temporary repairs and shall make permanent repairs with the exception of the street cut patch.

## **22. Sheeting and Placing**

Whenever it is necessary to prevent damage to a highway or structure in the highway because of cave-ins or sliding of the sides of trenches, the Permittee shall sheet and place the trenches in accordance with accepted engineering standards. Such sheeting is for the protection of the work and not necessarily the workers. All sheeting installed for the purpose of protection of workers shall be in strict accordance with the OSHA Standards as described in the Federal Register 29CFR Part 1926. The inspector may direct that such sheeting and placing be left in place in order to protect the highway from damage due to settlement. The Permittee accepts all liability if damage or injury occurs related to this installation.

## **23. Blasting**

When rock or other material must be removed by blasting, the Permittee shall exercise extreme care in blasting operations in order to prevent injury to persons and property.

The contractor shall secure all necessary permits from Town Fire Marshal and observe all local and state ordinances relating to transportation, storage and handling of explosives. When blasting is to take place near adjacent structures of services, the same shall be carefully protected against damage. The explosives must be of such number and size of charge and be so placed so as not to cause an unduly large excavation or unnecessarily shatter rock adjacent to the excavation. All rock loosened or shattered in the sides of the excavation shall be completely removed by wedging or other approved means.

## **24. Jacking or Boring**

Pipes and conduits shall generally be placed by the open cut method. In individual cases where there is a deep installation and heavy traffic or other special circumstances, the Director of Public Works may allow, or even require, that the installation shall be made by jacking or boring when such method is of definite benefit to the traveling public. No jetting or other use of water shall be allowed in connection with jacking or boring. The Permittee shall be responsible for careful investigation of the permit area to determine the location of all existing utility, municipal and private owned pipe or conduit lines. The Permittee may be required to submit plan and profile showing all such lines and detailed plan showing method of operation.

## **25. Backfilling**

Backfilling of excavations in Town highways shall be performed so that the least possible settling will occur. Backfill material shall be properly tamped in 12 inch lifts or other method approved by the Town. The acceptability of excavated material to be used in the backfill shall be determined solely by the Town Inspector. A minimum of eight (8) inches of base material and six (6) inches of subbase material shall be placed on top of the backfill material. The excavation shall be backfilled in accordance with Town of South Windsor Public Improvement Specifications and the State of Connecticut, Department of Transportation, "Standards & Specifications for Road Bridges and Incidental Construction", Form 814, 1988 as amended.

## **26. Temporary Repair Procedures**

### **A. Road Cuts**

As soon as the excavations have been backfilled and tamped, and the base and subbase materials have been placed and tamped, the pavement shall be replaced temporarily by the Permittee. The temporary pavement shall consist of 2" of hot laid bituminous concrete, when available at local batch plants, and placed in accordance with Town of South Windsor Public Improvement Specifications and State of Connecticut, Department of Transportation, "Standards & Specifications for Roads, Bridges and Incidental Construction", Form 814, 1988 as amended.

If temporary surface has settled one (1) inch or more, the Permittee shall remove the temporary road surface and reinstall a new patch. If settlement does occur and is less than one (1) inch, he may be required to place skin patches of bituminous concrete in areas of settlement. The Permittee is responsible for maintaining the temporary patch until the Town's contractor replaces it with a permanent patch. This will be as a minimum the amount of time necessary for the temporary patch to have been in place through one winter/spring cycle or a minimum of six (6) months.

### **B. Sidewalk**

The Permittee shall replace all damaged or removed sidewalk in accordance with the Town of South Windsor Public Improvement Specifications and State of Connecticut, Department of Transportation, "Standard Specifications for Roads, Bridges and Incidental Construction", Form 814, 1988 as amended. The Permittee will be responsible for maintenance of the sidewalk for a period of one (1) year after work under the permit is completed.

### **C. Curbing**

The Permittee will permanently repair all damaged or removed curbing upon completion or required work. In the event weather does not allow permanent repairs to curbing, the Permittee will temporarily repair the curbing and make permanent repairs at the earliest possible date. The completion date of the work under this permit shall then be when the permanent repairs to the curbing is complete.

### **D. If, in any case, the Permittee does not maintain the temporary repairs adequately, the Town will make the necessary repairs to prevent accidents and the Permittee will be charged by the Town for this work.**

If an emergency response is required during hours not normally worked by Town forces, the costs for overtime will be included in the charges billed the Permittee.

## **27. Materials and Workmanship**

Materials used by the Permittee in connection with the installation or repair of structures and fixtures in the highway right of way and those used in the repair and replacement of highway surfaces, structures and road sides shall be equal in every respect to materials specified in the Town of South Windsor Public Improvement Specifications and the State of Connecticut, Department of Transportation, "Standard Specifications for Roads, Bridges and Incidental Construction", Form 814, 1988 as amended.

The above mentioned specifications, insofar as they apply to work done under permits, shall be considered the standards for methods and workmanship. These standards may be reviewed in the Town Engineer's office.

**28. Driveways**

- A. The driveway shall be constructed in accordance with standard details for driveway openings in the Town of South Windsor Public Improvement Specifications on file in the office of the Town Engineer and such changes as may be necessary to fit a particular condition.
- B. Drainage ditches or gutters shall not be altered or impeded in any way and where a driveway shall cross an open ditch, the applicant shall provide suitable drainage structures as determined by the Permittee's registered engineer and approved by the Town Engineer.
- C. When existing sidewalk or curbing has to be removed to construct a driveway, such curb or sidewalk shall be removed for its full depth and to formed joints. The breaking and removal of parts of sidewalk slabs or parts of curbing will not be permitted. The removed material shall be disposed of in an approved manner. This work shall be in accordance with the South Windsor Public Improvement Specifications.

**29. Excavations in Grass Areas**

Excavations in grass areas shall be backfilled and compacted in the same manner as those in the street, except that the surface shall be returned to its original or better condition, using a minimum of four (4) inches of suitable loam, lime, seed and fertilizers. Sod will be utilized when the grass area disturbed was originally sod.

**30. Location of Poles and Guys**

Whenever existing pole lines, guys, braces or anchors are to be relocated or new poles, guys, braces or anchors set, the proposed location shall be designated by stakes placed at the site. The location of all poles, guys, braces or anchors shall be approved by the Town.

Backfilling of excavations and repairs to existing improvements shall be in accordance with Town of South Windsor Public Improvement Specifications and State of Connecticut, Department of Transportation, "Standard Specifications for Roads, Bridges, and Incidental Construction", Form 814, 1988 as amended.

## **Section II – Town of South Windsor Ordinance**

### **Article II. OBSTRUCTIONS, EXCAVATIONS AND DRIVEWAYS**

#### **Sec. 86-31. Scope and purpose.**

It is the purpose of this article to regulate the making of openings or placing of obstructions within the limits of public highways, including openings in curbs and sidewalks and the installation of driveways, and to establish responsibility for such excavations and obstructions until they are restored or removed.

(Code 1978, § 6-101; Ord. No. 132, 7-25-94)

#### **Sec. 86-32. Permit required.**

Except as otherwise provided, no persons, public utility or public agency other than the town or its agent shall excavate any part of any street or highway under the control of or maintained by the town, or dig below the surface thereof, or place any obstruction thereon, or construct a driveway entrance from any street, without first obtaining a permit therefor from the director of public works or his authorized representative. For emergency utility repairs see section 86-45(b).

(Code 1978, § 6-102; Ord. No. 132, 7-25-94)

#### **Sec. 86-33. Application for permit.**

No permit required by section 86-32 shall be issued until after receipt of an application, to be made in writing of forms provided by the director of public works and signed by the applicant or his authorized representative.

(Code 1978, § 6-103; Ord. No. 132, 7-25-94)

#### **Sec. 86-34. Surety bond.**

No permit required by section 86-32 shall be issued until after the applicant has deposited with the town a surety bond guaranteeing that any excavation made under such permit will be restored without cost to the Town. Such bond shall be in an amount and for a period of time determined to be appropriate by the director of public works and shall be issued by a surety company licensed to do business in and having a place of business in the state. The director of public works shall prepare reasonable rules governing the application of this section, and in the case of any governmental agency or public service company as defined in the general statutes, such rules may provide for the acceptance of any legally binding agreement in lieu of a surety bond as aforesaid.

(Code 1978, § 6-104; Ord. No. 132, 7-25-94)

#### **Sec. 86-35. Liability insurance.**

No permit required by section 86-32 shall be issued until after the applicant has filed with the town a certificate of insurance showing limits of liability equal to or exceeding the coverage carried by the town conditioned substantially that the applicant shall indemnify and save harmless the town, its officers and employees and the director of public works and his agents from all suits and actions of every name and description brought against the town, or any officer or employee of the town for or on account of any injuries or damages received or sustained by any person in consequence of or resulting from any work performed by the applicant, his servants or agents, or of or from any act or omission of said applicant, his servants or agents.

(Code 1978, § 6-105; Ord. No. 132, 7-25-94)

#### **Sec. 86-36. Fee for permit.**

The fee for every permit issued under the provisions of this article shall be \$25.00; however, such fee shall be waived in the case of any firm, corporation or agency that, by special charter or franchise, is

legally authorized, in the course of its normal activities to make excavations or place obstructions in the limits of public highways in the town.

(Code 1978, § 6-106; Ord. No. 132, 7-25-94)

**Sec. 86-37. Fee for permanent patching.**

The fee for the permanent patching of the roadway shall be collected prior to issuance of a permit. This fee shall be based upon the estimated size of the patch and upon the estimated costs developed by the director of public works or his agents. A minimum fee shall be established by the director for uses in situations where a per-square-foot charge does not reflect actual costs. These costs shall be updated periodically at least once a year.

(Code 1978, § 6-106a; Ord. No. 132, 7-25-94)

**Sec. 86-38. Exemption from fee.**

The utility companies may request exemption from the provisions of section 86-37 when a permit is issued to the utility company. However, the town may reject this request for exemption if, in the opinion of the director of public works or his designee, the permanent patching work performed by the utility company prior to the permit currently being requested is not in conformance with town standards.

(Code 1978, § 6-106b; Ord. No. 132, 7-25-94)

**Sec. 86-39. Additional fee.**

If after the permittee has completed the work of permanent patching and it is determined that the size of the patch is larger than that estimated, an additional fee shall be collected from the permittee. If the actual cost of the permanent patch exceeds the fee collected from the permittee, the permittee will be billed the difference in costs. If the actual cost is less than that collected from the permittee, the permittee will be reimbursed the difference in costs.

(Code 1978, § 6-106c; Ord. No. 132, 7-25-94)

**Sec. 86-40. Issuance of permit.**

Upon the filing of an application, payment of permanent patch deposit, and payment of the required application fee, the director of public works shall cause to be issued, on forms provided by him, a permit specifying the nature and location of the work to be done; the terms and conditions of such work, which terms and conditions shall be based upon the requirements of the public welfare and safety; and the time within which the work is to be completed, which shall not be longer than one year from the date of the permit. Notwithstanding such other conditions as may be imposed, or any provision contained herein to the contrary, it shall be a condition of each permit issued under this article that the permittee shall for a period of one year from the date of completion of work of such permit, unless sooner released from this condition over the written signature of the director of public works or his authorized representative or until the town constructs or causes to be constructed the permanent roadway patch, save harmless the from all claims for penalties and damages arising from or in consequence of any work performed by or any act or omission of the applicant under such permit.

(Code 1978, § 6-107; Ord. No. 132, 7-25-94)

**Sec. 86-41. Expiration of permit.**

Permits issued under the provisions of this article shall expire in accordance with the following conditions:

- (1) Upon completion of all work specified on the permit, including the restoration of any excavation, the removal of any obstruction and temporary roadway patch, the permittee may present his permit to the director of public works or his authorized representative, who shall cause such work to be inspected and, if the work has been completed to his satisfaction, and in accordance with the terms and conditions of the permit, shall certify thereon as to the completion of the work and the expiration of the permit.
- (2) Expiration of the permit shall not be deemed to imply that the permittee is released of the obligation to maintain the work. The permittee is responsible to maintain the temporary roadway patch until a permanent patch is in place.

- (3) The installation of the permanent roadway patch shall not relieve the permittee of his obligation if after the permanent roadway patch is installed, it fails and it is proven that failure was a result of the work done by the permittee.

(Code 1978, § 6-108; Ord. No. 132, 7-25-94)

**Sec. 86-42. Inspection by director.**

(a) The director of public works or his authorized representative is empowered to inspect, or cause to have inspected, at any time any or all work being performed under a permit issued under the provisions of this article.

(b) If in the opinion of the director the public safety and welfare so warrant, or if the work done is not satisfactory or not in accordance with town standards, he may direct the permittee to restore any excavation or remove any obstruction within 12 hours of such notice; and, if such excavation is not restored or such obstruction removed within that period, he may cause such work to be done, and the permittee shall be responsible for the full expense of such work.

(Code 1978, § 6-109; Ord. No. 132, 7-25-94)

**Sec. 86-43. Requirements for pavement patching.**

The minimum requirements for temporary and permanent patching shall be as specified in the street cut permit manual, which shall be provided with the street cut application form.

(Code 1978, § 6-109a; Ord. No. 132, 7-25-94)

**Sec. 86-44. Other requirements.**

(a) The permittee shall be responsible to repair or replace any damage caused by the permittee or his assigns to existing sidewalks, curbs, yards, mail boxes and any other such existing aperture or property. These shall be replaced or repaired in as good a condition as they were before being disturbed.

(b) The permittee shall be responsible for following additional technical and detailed requirements as enumerated in the street cut permit manual, which shall be provided with the street cut application form.

(Code 1978, § 6-109b; Ord. No. 132, 7-25-94)

**Sec. 86-45. Exceptions.**

(a) None of the other provisions of this article shall apply to any work performed in connection with the installation, maintenance, repair, replacement or relocation of utility poles owned by any public service company, nor to the erection of any temporary protection warning signs or devices.

(b) Nothing in this article shall be construed to prevent or unduly delay the making of any necessary excavation of the performance of any work related thereto by any public service company in the event of any emergency; and in such cases such public service company may proceed with such work without regard for the provisions of this article, provided that within a reasonable period of time after the cessation of such emergency, and not longer than five days, all provisions of this article shall become effective with respect to such work.

(Code 1978, § 6-110; Ord. No. 132, 7-25-94)

**Sec. 86-46. Conflicts.**

This permit required by section 86-32 shall not be construed as giving permission to perform any work that conflicts with or is expressly forbidden by any planning and zoning, inland-wetland/conservation commission or water pollution control authority approvals. All such approvals shall govern.

(Code 1978, § 6-110a; Ord. No. 132, 7-25-94)

**Sec. 86-47. Legal obligations.**

Nothing contained in this article shall be construed to relieve any permittee from any obligations or liabilities of the town or to any other parties which may be imposed upon him by law.

(Code 1978, § 6-111; Ord. No. 132, 7-25-94)

10/08/08

**Sec. 86-48. Penalty.**

Any persons violating any provisions of this article shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$25.00 for each provision thus violated, and each day such violation shall continue after notice to the offender shall be deemed a separate offense. Failure of the permittee to comply with the above regulations may also make him subject to suspension of any further permits in the town.

(Code 1978, § 6-112; Ord. No. 132, 7-25-94)

Adopted at a regular meeting of the South Windsor Town Council held on February 1, 1999.

Dated at South Windsor, CT this 2nd day of February 1999.

