

**AN ORDINANCE RELATING TO STREET OPENING,  
PROVIDING FOR PERMITS AND ESTABLISHING  
REGULATIONS FOR SUCH WORK IN THE TOWN OF  
PLAINVILLE, CONNECTICUT**

BE IT ORDAINED by the Town Council of the Town of Plainville:

**SECTION 1. PERMIT REQUIREMENTS.**

No person, firm, company, corporation or entity including utility company shall excavate, trench, install equipment, grade, repave or otherwise alter any public right of way, public street, boulevard, highway or alley within the Town of Plainville for any purpose whatsoever, without obtaining a permit as described hereinafter.

The foregoing shall not prevent any excavation, trenching, construction, grading, repaving or alteration of the public right of way, public street, boulevard, highway or public alley by the Town or its designated agent in the construction or repair of sidewalks, curbing, pavement, drainage facilities, sanitary sewers or similar activities. Also it shall not prevent any person, firm, company, corporation or entity including utility company which has been granted by law or ordinance the right to install gas or water mains, construct electrical and communication systems or other similar services, or when the necessity of such construction activities are required to perform immediate emergency repairs to public utilities such as a ruptured gas or water main, fallen wires or other similar hazard. In the event an emergency repair is warranted, the responsible person, firm, company, corporation or entity including utility company shall apply and secure a permit within one (1) business day of commencing such activity. All the rules and regulations hereinafter described shall apply to all emergency repair activities.

**SECTION 2. PERMIT FEE.**

Before any person, firm, company, corporation or entity including utility company shall perform any regulated activity, it shall first obtain a permit for such work from the Department of Technical Services. Such application shall include a construction plan and other information deemed important by the Department of Technical Services. The fee for such permit shall be \$35.00, payable when the permit is issued. The permit shall be valid for a period of one (1) year from the date of issuance and all work shall be fully complete before the permit expires.

### **SECTION 3. PERMIT APPLICATION REQUIREMENTS.**

The application for such permit shall be upon a form provided by the Department of Technical Services and shall describe the location where such activity will take place, approximate size of the activity, the purpose and the time when the work will begin, hours of work and the estimated start and completion dates for the project.

Application shall include an insurance certificate in which the applicant will indemnify and hold harmless the Town of Plainville from any claims of damages to persons or property arising from or in conjunction with said work to be performed under such permit. All certificates shall be from carriers authorized to conduct business in the State of Connecticut having A.M. Best rating of "A-" or higher. The applicant agrees to hold harmless, indemnify, protect and defend the Town of Plainville, its agents, servants & employees from any liability for injuries and damages to the contractor, its employees, agents, subcontractors, guests, third parties and other incidents to or resulting from any and all operations resulting from the contractor's activities. The limits of the coverage shall be set by the Town's Insurance Commission. Insurance coverage shall be maintained for a minimum period of one (1) year after the construction is completed. Coverage shall be extended until the maintenance period expires.

A bond shall accompany the permit application. This bond may be in the form of a certified check, passbook account, insurance surety or other form of security deemed appropriate by the Department of Technical Services. The bond shall be maintained for a minimum period of one (1) year after the construction is completed. Coverage shall be extended until the maintenance period expires. All proposed bond formats shall be approved by the Town Attorney. An insurance surety bond shall be upon a bond form provided by the Department of Technical Services or a format approved by the Town Attorney.

Public utility companies shall not be required to post a bond if contrary to Department of Public Utilities Control Authority regulations. Public utilities shall be billed directly for the actual cost of restoring any surface subsequent to any such restoration which may be required due to their failure to comply with these regulations.

The limits of the bond shall be as follows:

For the first hundred (100) linear feet of roadway disturbed or any part thereof, a bond in the sum of \$10,000.00.

For each additional twenty-five (25) linear feet of roadway disturbed or any part thereof, an additional bond in the amount of \$1,000.00 will be required.

Construction activities related to the construction or repair to the sanitary sewers shall conform to the requirements set forth in the Sewer Ordinance. The provisions of this ordinance requiring a surety bond and insurance coverage shall not apply when the applicant is a duly licensed and bonded Plumber or Drainlayer .

#### **SECTION 4. MAINTENANCE AND PROTECTION OF TRAFFIC.**

Any person, firm, company, corporation, or entity including utility company working under said permit shall provide, erect and maintain suitable lighted barricades, warning lights, or warning devices as needed or as directed in order to prevent damage or injury to persons, vehicles and property and to minimize the inconvenience and danger to the public by construction operations.

Barricades shall be of substantial construction and shall be white having reflective tape or panels to increase visibility. Suitable warning signs shall be positioned and illuminated at night to identify in advance the work area. The type and location of signs and other traffic control devices shall be in accordance with the most current “Manual on Uniform Traffic Control Devices” as prepared by U.S. Department of Transportation, Federal Highway Administration.

The applicant or agent shall arrange operations to provide access to properties along the street including temporary bridges to driveways and provide access to fire hydrants, gate valves, manholes or other utilities. No road or street shall be closed to the public unless permission is granted by the Plainville Police Department.

No overnight open excavations will be permitted. All construction activities shall be backfilled to grade at the close of each workday or properly covered with a steel plate.

#### **SECTION 5. BACKFILL REQUIREMENTS.**

All excavations shall be backfilled with acceptable materials. The reuse of existing materials will be permitted only when they are deemed acceptable. The use of saturated and unstable materials shall not be permitted as backfill and shall be removed from the work site by the applicant and replaced with an acceptable granular backfill material.

The backfill material shall be compacted in lifts not to exceed twelve (12) inches. Compaction shall continue until the density of the compacted material achieves ninety-five (95) percent of the theoretical dry density by mechanical means appropriate for the type of operation. Any other methods of compaction must be approved by the Department of Technical Services.

#### **SECTION 6. SIDEWALK RESTORATION.**

Whenever it is necessary to excavate or trench under or in the vicinity of a public sidewalk whether stone, bituminous concrete or concrete, a temporary walkway shall be maintained. At the close of each work day, the sidewalk shall be restored in such a manner as to render the walk safe for public use. Upon the completion of the construction activities the applicant shall restore the disturbed sidewalk to its original condition. All restoration activities shall comply with the applicable Town regulations. The applicant shall be responsible for requesting inspections of the restoration activities by the Department of Technical Services at the required times. Failure to have required inspections may result in rejection of the work activities.

The restoration activities shall be completed within thirty (30) calendar days of finishing the excavation. The sidewalk materials and installation method shall be in accordance with the Street Construction Ordinance.

Permanent sidewalk restoration activities shall not be performed during the period from November 15th to April 15th unless written permission is granted by the Department of Technical Services. The thirty (30) day time limit or any portion thereof will be suspended during such period and will not resume until April 15th.

#### **SECTION 7. CURB RESTORATION.**

Whenever it is necessary to disturb or remove the roadway curbing, the applicant shall be required to replace or repair the curbing within thirty (30) calendar days of finishing the excavation. The type of replacement curbing shall be the same as the surrounding or adjoining curb. The curb materials and installation methods shall be in accordance with the Street Construction Ordinance. Installation of curbing shall not be performed during the period from November 15th to April 15th unless written permission is granted by the Department of Technical Services. The thirty (30) day time limit or any portion thereof will be suspended during such period and will not resume until April 15th.

#### **SECTION 8. RESTORATION OF LAWN AREAS.**

Whenever it is necessary to disturb a lawn area within the right of way, the applicant shall replant the disturbed area within thirty (30) days of finishing the excavation.

A smooth, uniform, friable seed bed shall be provided. Topsoil shall be placed over impacted areas in such quantities as necessary to obtain six (6) inches in depth after natural settlement and compaction, shaped and graded to conform to the adjacent areas, raked free of all material unsuitable for or harmful to plant growth and compacted by means of a light roller weighing not more than sixty five (65) pounds per foot width of roller. Starter fertilizer specifically intended for use when establishing a new lawn area shall be incorporated into the topsoil at a rate of three quarter (3/4) pounds per one hundred (100) square feet. A perennial seed mixture consisting of Kentucky Bluegrass, Fescue and Perennial Rye shall be sown at a rate of at least three quarter (3/4) pounds per one hundred (100) square feet. The percentage of specific grass seed varieties shall be as recommended by the Connecticut Agricultural Station for local conditions.

Restoration of lawn areas shall not be performed during the period from November 15th to April 15th unless written permission is granted by the Department of Technical Services. The thirty (30) day time limit or any portion thereof will be suspended during such period and will not resume until April 15th.

#### **SECTION 9. TEMPORARY PATCH.**

Whenever it is necessary to disturb the pavement in a roadway, the applicant shall be required to maintain and repair a temporary roadway surface patch during construction operations and/or until a permanent restoration can be completed. All temporary patches shall be maintained and any unsafe conditions shall be rendered safe within eight (8) hours of being notified of a problem. If such repairs are not made, the Town of Plainville shall take whatever action is necessary and reasonable, and bill the applicant for the costs incurred.

The temporary patch shall consist of a two (2) inch bituminous concrete surface over a compacted six (6) inch processed aggregate base. A cold patch bituminous concrete surface will only be permitted when hot mix bituminous concrete is not locally available. The surface shall be installed and graded even with the surrounding and adjoining existing pavement.

The applicant shall be required to maintain a temporary roadway surface patch during the period from November 15th to April 15th when a permanent roadway restoration can not be completed unless permission is granted by the Department of Technical Services.

## **SECTION 10. PERMANENT RESTORATION.**

The permanent roadway patch subbase shall be constructed of the same materials and depths as the surrounding or adjoining roadway or a minimum of twelve (12) inches of bank run gravel topped with a base of four (4) inches of processed aggregate, or a total of twelve (12) inches of processed aggregate. All subbase and base materials shall conform to the applicable specifications in the most current State of Connecticut, Department of Transportation, Standard Specifications for Roads, Bridges and Incidental Construction.

The subbase and base shall be compacted in material lifts not exceeding six (6) inches by mechanical means appropriate for the application. Compaction shall continue until the density of the compacted material achieves ninety-five (95) percent of the theoretical dry density. After compaction, any low or uneven portions of the roadbed shall be adjusted to the satisfaction of the Department of Technical Services.

## **SECTION 11. ROADWAY PREPARATION.**

Before the permanent pavement is installed, the existing pavement, at the limits of the excavation, shall be cut back a minimum of twelve (12) inches parallel and perpendicular to the edge of the road. The joint between the patch and the existing pavement shall have no jagged edges. An emulsified asphalt tack coat shall be applied at a rate of .05 to .15 gallons per square yard of exposed surface to all cut edges prior to installing the new pavement.

## **SECTION 12. PERMANENT PAVEMENT.**

A permanent roadway surface patch shall consist of a two (2) course hot mix bituminous concrete surface of a thickness equal to the existing pavement depth or three (3) inches whatever is greater. The surface course shall not be less than one (1) inch in depth. The bituminous concrete shall be manufactured and installed in conformance with the most current State of Connecticut, Department of Transportation, Standard Specifications for Roads, Bridges and Incidental Construction and the Street Construction Ordinance. The surface course shall be shaped and compacted to conform to the existing crown of the roadway. Compaction shall continue until the density of the pavement achieves ninety-five (95) percent of the theoretical dry density.

The installation of a permanent roadway surface path shall be completed within thirty (30) calendar days of completing the excavation. The applicant shall be required to receive

permission from the Department of Technical Services in order to install any permanent roadway surface patch during the period which extends from November 15th to April 15th.

### **SECTION 13. SEALING JOINTS.**

The joints between the existing pavement and a bituminous concrete patch shall be sealed with liquid asphalt sealant. The sealant materials and installation methods shall be in conformance with the most current State of Connecticut, Department of Transportation, Standard Specification for Roads, Bridges, and Incidental Construction. Dry sand or cement shall be sprinkled over the sealant to prevent tracking by traffic.

### **SECTION 14. EXCEPTIONS.**

Listed below are exceptions to the above noted restoration requirement:

1. The Department of Technical Services may waive the provisions or part thereof of this ordinance if the permitted work is being done in conjunction with future Town roadway reconstruction activities.
2. The applicant shall be required to overlay the entire roadway width with one and one half (1 ½) inches of bituminous concrete after installing the permanent roadway patch if the area of the patch exceeds one third (1/3) of the total area of the impacted roadway. The bituminous concrete overlay shall be installed in accordance with the State of Connecticut, Department of Transportation, Standard specifications for Roads, Bridges and Incidental Construction and the Street Construction Ordinance.
3. The applicant shall be required to incorporate the patch into the existing pavement by means of reheating the existing pavement and blending it into the patch material if the age of the existing surface is eight (8) years or less. The equipment and methods to be utilized shall be approved by the Department of Technical Services.

### **SECTION 15. MAINTENANCE PERIOD.**

The permit applicant shall be responsible to maintain or repair any permanent restoration for a period of one (1) year after the Town's final inspection and approval. It is the applicant's responsibility to request a final inspection when the restorations are completed. The inspector

shall provide the applicant an inspection report. This report shall identify any observed deficiencies requiring correction or initiate the maintenance period.

Any deficiencies arising from the permanent restoration activities during the one (1) year maintenance period deemed unsafe by the Town of Plainville shall be rendered safe for public use within eight (8) hours of notification. If the repairs are not made safe within eight (8) hours, the Town of Plainville shall take whatever action is necessary and reasonable to make the patch safe and bill the applicant for costs incurred. Any other repair which does not impact the safety of the community shall be repaired within thirty (30) calendar days unless the notification is made during the period from November 15th to April 15th, then the permanent repairs shall be made within thirty (30) calendar days after April 15th.

The repair activities shall be reinspected. The applicant is responsible to request a reinspection. The inspector shall provide the applicant a second report identifying the deficiencies requiring correction or a revised maintenance period expiration date. The one (1) year maintenance period shall be extended for a period of ninety (90) calendar days for each repair.

#### **SECTION 16. PENALTIES.**

Any person, firm, company, corporation, or entity including utility company or the member of any firm or officer of any corporation violating any provision of this ordinance shall be barred from performing activities in any public right of way, public street, boulevard, highway or public alley, as follows:

(a) For the first violation, the applicant shall receive a written warning that future rights to perform activities may be suspended.

(b) For the second violation, the applicant shall be barred from performing activities for a period of three (3) months from the date of notice of violation letter.

(c) For the third violation, the applicant shall be barred from performing activities for a period of six (6) months from the date of the notice of violation letter.

(d) For the fourth and subsequent violations, the applicant shall be barred from performing activities for a period of one (1) year from the date of the notice of violation letter.

(e) In the event the applicant performs activities while his right is suspended, he shall be subject to a fine of \$100.00 per day for each date he conducted such illegal activity.

(f) If the applicant has had no violations for a three (3) year period from the last violation, then he shall be considered as having no prior violations.

(g) If the applicant wishes to contest a notice of violation letter received from the Department of Technical Services, he shall give written notice to the Director of Technical Services within five (5) days of the date of the letter of his intent to contest. Within ten (10) days of the date of receipt of the applicant's letter, the Director shall notify the applicant of a date and time for the applicant to meet with the director. The applicant, at such meeting, shall have an opportunity to present evidence to the Director as to why the suspension shall not go into effect. The Director shall be the sole and final determiner of whether or not the suspension should be lifted. The suspension shall be held in abeyance until the Director has issued his written decision.

#### **SECTION 17. RESPONSIBILITIES.**

The Director of Technical Services may delegate to any servant, agent or employee of the Town of Plainville any or all of the duties and functions imposed upon the Department of Technical Services by this ordinance and may authorize such person or persons to carry out such duties and functions as he may from time to time assign. Wherever the words "Department of Technical Services" are used in this ordinance, they shall be construed to include such Director and such servants, employees or agents designated.

#### **SECTION 18. SEVERABILITY CLAUSE.**

All ordinances in existence and inconsistent with this ordinance on the effective date of this ordinance are hereby repealed. This ordinance shall take effect and be in full force and effect upon passage.

Adopted by Town Council August 20, 1963, Amended Feb. 16,1999.