

Ordinance re Permits to Work or Excavate In or Under MIFD-managed Roads

(Adapted from <http://www.stonington-ct.gov/special-acts-and-local-ordinances/pages/streets-highways-permits-to-work-or-excavate>)

STREETS AND HIGHWAYS, PERMITS TO WORK OR EXCAVATE

ORDINANCE RE: PERMITS TO WORK OR EXCAVATE IN OR UNDER ROADS MANAGED BY MASONS ISLAND FIRE DISTRICT (MIFD)

BE IT ORDAINED BY THE LEGAL VOTERS OF MIFD IN LAWFUL TOWN MEETING DULY ASSEMBLED THAT THE FOLLOWING ORDINANCE BE ESTABLISHED:

Section 1. Permit Required

No person, firm, partnership, corporation, association or other entity shall make any excavation, tunnel or engage in any digging or breaking up on, in or under any street, highway, public way or place within the limits of MIFD-managed roads without first having obtained a permit from the Masons Island Fire District Roads Manager (MIFD Roads Manager).

Section 2. Insurance Requirements

No such permit shall be issued unless and until the applicant therefore has filed with the MIFD Roads Manager a policy or certificate of General Liability insurance protecting MIFD from loss, liability or damage that may result or occur from or because of the making, existence or manner of guarding the work and construction of any such excavation with liability limits no less than one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) general aggregate.

Section 3. Bond Requirements

No permit shall be issued unless and until the applicant therefore has deposited with MIFD a cash deposit or a bond, in the sum of an amount equal to the estimated cost of restoring the ground and laying of the pavement, said cost to be estimated by the MIFD Roads Manager. Ten per cent (10%) of this bond shall remain in force for one (1) year to insure the proper restoration of the ground and laying of the pavement, if any, and the compliance with the provision of this article requiring the control of dust and mud and the protection of the public by barricades, lights, temporary ramps, railings, covers, roadways, walks and approaches.

Section 4. Work Standards

All excavation and work performed must comply with the Planning and Zoning Subdivision Regulations and any applicable Town of Stonington, state of CT or federal law, including but not limited to the highway specifications of the Town of Stonington, the State of Connecticut and MIFD.

Section 5. Restoration of Surface

Any person, firm or corporation, making an excavation or tunnel, in or under any MIFD-managed road or any other public place within the limits of MIFD shall restore the surface thereof to its original condition. Said work must be approved and accepted by the MIFD Roads Manager.

(a) All excavated material determined unsuitable for backfill by the MIFD Roads Manager shall be removed from the site and replaced with suitable material approved by the MIFD Roads Manager.

(b) All backfill and gravel sub-base, if any, shall be thoroughly compacted in one foot (1 ft.) layers by means of roller, rammers, plate or pneumatic tampers or such methods as are approved by the MIFD Roads Manager.

(c) If the excavation or opening has necessitated an opening in pavement, the refill shall be properly made so that the surface pavement can be re-laid in the same manner and thickness and character as the surrounding pavement.

(d) Temporary pavement of bituminous concrete must be used when available or cold patch shall be laid for a minimum period of one (1) month before permanent pavement is re-laid.

(e) Before permanent pavement is replaced on an excavated area, a shoulder at least six inches (6") wide shall be excavated along the top of an excavation slope to the full depth of pavement so that new pavement will rest on six inches (6") of undisturbed material. Asphalt emulsions shall be painted on the edges where the new pavement binds to the old.

(f) Where resurfacing of street pavement cannot be made to conform with the original pavement, the MIFD Roads Manager may permit a different resurfacing but in any event, it shall not be less than two and one half inches (2 1/2") of bituminous concrete on ten inches (10") of gravel.

Section 6. Utilities

Utility companies (CL&P, SNET, Cable T.V., C.A.W., W.W.D., Pequot Gas, etc.) must file with the Secretary of State a bond, with surety to save harmless any person injured due to their negligence unless the Secretary of State dispenses with the requirement by a showing of proof of solvency. Utility companies are required to file a certificate issued by the Secretary of the State, that such bond had been filed or proof of solvency has been furnished. When such certificate is filed, utility companies shall be exempted from bond and insurance requirements, but must obtain excavation

permits for all proposed underground work. The permit application must indicate the contractor performing work for the utility.

Section 7. Call Before You Dig

Section 16-345 thru 355 of the Connecticut General Statutes describes contractor responsibility with respect to any proposed excavation, discharge of explosives or demolition at or near the location of any public utility facility. The contractor should call 1-800-922-4455 or otherwise notify the Department of Public Utility Control or central clearing house of such act at least 48 hours, excluding Saturdays, Sundays, and holidays, of said excavation, explosion or demolition, but not more than one (1) month before commencing same.

Section 8. Authority of Masons Island Fire District Roads Manager

The MIFD Roads Manager shall, from time to time, inspect all uses of any road or other public place managed by MIFD and all excavations and tunnels being made therein coming within the regulations of the article for the purpose of enforcing the provisions of the article. Adequate notice shall be given to him before the work of refilling any such excavation or tunnel commences. Adequate notice shall be determined and defined by the MIFD Roads Manager when the permit is issued.

Section 9. Violation and Penalties

Any person, firm or corporation, violating any of the provisions of this article, Sections 1, 4, 5, 7 & 8 shall be fined not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00) for each offense, and a separate offense shall be deemed committed on each and every day during or on which a violation occurs or continues. The MIFD Roads Manager shall decide if any violation occurs and determine the amount of the fine.

This ordinance shall become effective fifteen (15) days after publication in a newspaper having a circulation in the Town of Stonington.

Adopted May 26, 2018