

Ordinance re Permits to Work or Excavate

In or Under MIFD-managed Roads

(Adapted from https://www.stonington-ct.gov/sites/g/files/vyhlf3851/f/uploads/excavation_ordinance_2021.pdf)

Revised – May 2025

BE IT ORDAINED BY THE LEGAL VOTERS OF THE MASONS ISLAND FIRE DISTRICT (MIFD) IN LAWFUL FIRE DISTRICT 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, or perform any landscaping or site improvements that will impact any street, public right-of-way, storm drainage system, landscaping or place within the limits of MIFD-managed roads without first having obtained a permit from the Masons Island Fire District . At the District's discretion an A-2 property survey along with professionally engineered site plans may be required with the permit application to accurately depict proposed changes. Except for emergencies, all permit applications are required a minimum of 30 calendar days prior to performing any work.

Section 2. Insurance Requirements

No such permit shall be issued unless and until the applicant therefore has filed a Certificate of Insurance (COI) which includes all specified overages with the specified limits as listed below, and names MIFD and MIPOA as an additional insured under the General Liability, Auto Liability and Umbrella policies. General liability and umbrella liability coverage shall be on a primary, non- contributory basis and include a per-project aggregate clause. The Contractor is also required to provide a copy of said policy or such policy endorsements as listed in the COI, to MIFD, following these requirements. Such policy coverage shall protect MIFD from potential losses arising from any claim, liability, cost, or damage that may inure to the MIFD as a result or because of the making existence, or manner of guarding the work and construction of any such excavation and the quality of work having to do with the restoration of the subject roadway.

At the sole discretion of the District, the insurance limits below can be reduced based on the nature of the proposed work.

Coverage is required to be placed with carriers approved to conduct business in the State of Connecticut, and maintaining A.M. Best ratings of at least A-/VII or better.

Insurance Requirements w/ Specified Limits

Minimum Limit

General Liability	Each Occurrence	\$1,000,000
“	General Aggregate	\$2,000,000
“	Products/Completed & Operations Aggregate	\$2,000,000
“	Personal Injury	\$1,000,000
“	Damage to Property	\$300,000
“	Medical Expense/per Person	\$10,000
Auto Liability	Combined Single Limit	\$1,000,000
“	Each Accident	\$1,000,000
“	Aggregate	\$1,000,000
“		
Umbrella	Each Occurrence	\$5,000,000
“	Aggregate	\$5,000,000
Workers’ Comp		
& Employer’s		
Liability	WC Statutory Limits	
“	EL Each	\$500,000
“	EL Disease Each Employee	\$500,000
“	EL Disease Policy Limit	\$500,000

Section 3. Performance Security/Bond Requirements

No permit shall be issued unless and until the applicant provides the MIFD with a Performance or cash Bond in an amount equal to at least one hundred percent (100%) of the estimated cost of restoring the ground and laying of the pavement as required under this Ordinance, said cost to be estimated by the MIFD. This bond shall remain in force for one (1) year to insure the proper restoration of the ground and laying of the pavement as required under this Ordinance if necessary, 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.

The Surety on such a bond shall be satisfactory to MIFD and the cost of the same shall be borne by the Contractor. Prior to the starting of any work, the bonds must be approved by

the MIFD and be in the MIFD's possession. The bonds must be from a surety company licensed and approved to do business in the State of Connecticut and shall remain in effect for one year or through the guarantee period, whichever is longer.

Section 4. Indemnification/Waiver of Subrogation

Waiver of Subrogation:

The Contractor will require all insurance policies in any way related to the work and secured and maintained by the Contractor to include clauses stating it (and its insurance carrier(s)) will waive all rights of recovery, under subrogation and otherwise, against the MIFD and MIPOA. The Contractor will require of subcontractors, by appropriate written agreements, similar waivers each in favor of the MIFD and MIPOA enumerated in this section.

Indemnification/Hold Harmless:

The Contractor shall indemnify, defend, and hold harmless the MIFD and MIPOA and against all claims, damages, losses and expenses, including attorney's fees of counsel selected by the MIFD and MIPOA, arising out of or resulting from the performance of the work and /or the supplying of materials, provided that any such claim, damage, loss or expense (a) is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property including the loss of use resulting from, and (b) is caused in whole or in part by any negligent act or omission of the Contractor, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, regardless of whether or not they are caused in part by a party indemnified hereunder

Section 5. 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 6. 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 or better in accordance with MIFD Standards. Said work must be approved and accepted by MIFD .

Section 7. Utilities

Utility companies (Eversource, Frontier, Cable T.V., C.A.W., W.W.D., , The Connecticut Water Company 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 8. 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 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 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

Revised March 15, 2022,

Revised May 24, 2025

Effective July 1, 2025