

PROPOSED AMENDMENTS OF ORDINANCE NO. 214-29

WHEREAS, Code of Ordinances Section 214-29.D. provides for a \$250.00 flat fee for a standard utility opening permit; and,

WHEREAS, Section 214-29.D. should be amended to take into account the effect of utility cuts upon pavement performance and the resulting repair costs to the City; the classification of road upon which excavation is being performed, which is indicative of the interference of the flow of traffic which will be caused by the excavation activities; the length of construction; and the disruption of sidewalks; and,

WHEREAS, it is in the best interests of the citizens of Stamford for the City to (a) encourage parties to complete roadway excavations as soon as possible; and (b) require parties performing roadway excavations to offset the costs to the City of the effect of utility cuts in pavement upon performance and the resulting expenses of repairs and for the disruptions to traffic caused by such excavations; and,

WHEREAS, the amendment of Subsection D requires the amendment of the remaining Subsections of Section 214-29 for the purposes of ensuring consistency within the five subsections of the Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF STAMFORD THAT CODE OF ORDINANCES SECTION 214 IS AMENDED AS FOLLOWS:

Sec. 214-29. - Excavation permit required.

A. General requirements.

- (1) No person except duly authorized officers, agents, permittees or employees of the city shall make any openings or excavation, install or remove curbing and driveways or perform ~~other-any~~ construction which will alter any sidewalk, street or public square in the city without first having obtained a written permit to do so from the ~~City Engineer~~Director of Operations or his/her designee in the Engineering Bureau.
- (2) ~~No person shall begin work under a permit issued by the City Engineer until the street opening permit has been approved by the Director of Operations of the city.~~ The Director of Operations or his/her designee ~~in the Engineering Bureau~~ shall require such measures to be performed by the permittee as are necessary in his/her opinion to assure the safe passage of traffic through or around a work area. ~~The Director of Operations may including but not limited to,~~ requiring signs, barricades or trafficmen and/or limiting the hours of operation of such permitted work to ensure safety and minimize congestion on the streets.
- (3) Any permit which is exercised without such approval of the Director of Operations or his/her designee in the Engineering Bureau shall be deemed null and void, and any violation of regulations imposed on a permit shall be deemed a violation of this section.

B. Every ~~construction~~ permit issued under the provisions of this section shall state the purpose of the proposed construction, the location thereof, the name of the person to whom it is issued and other information deemed necessary by the ~~City Engineer~~Director of Operations or his/her designee in the Engineering Bureau.

C. Every permit issued under the provisions of this section shall expire on a date set by the City Engineer. All excavations or other work under this permit shall be properly backfilled, compacted and repaired before the expiration date in accordance with standards and specifications as issued by the City Engineer.

~~D. The City Engineer shall charge a minimum fee of two hundred and fifty dollars (\$250.00) per permit for every "standard utility opening" permit.~~

D. 1. The City shall charge the following fees for every ~~"standard utility opening permit"~~ permit issued under the provisions of this section:

Street Classification	Amount of Fee	Plus Square Footage Fee
1. <u>Local</u>	<u>\$250.00</u>	<u>\$1.00 per square foot</u>
2. <u>Collector</u>	<u>\$375.00</u>	<u>\$1.50 per square foot</u>
3. <u>Minor Arterial</u>	<u>\$625.00</u>	<u>\$2.50 per square foot</u>
4. <u>Major Arterial</u>	<u>\$875.00</u>	<u>\$3.50 per square foot</u>

The street classifications shall be determined by the Director of Operations. The Director of Operations shall notify the Board of Representatives of all street classifications within ten (10) days of the effective date of this Ordinance, and with any changes to any street classification within ten (10) days of such change. A list of street classifications shall be available to the public in the office of the Director of Transportation.

There shall be an additional fee of \$100.00 per cut for cutting into sidewalks.

2. There shall be a separate permit issued and a separate fee charged for each section of roadway upon which excavation is performed. For the purposes of this Ordinance, a "section of roadway" shall mean that portion of a roadway from one intersection to the next intersection.

3. The fee for the Permit shall be for a period of fourteen (14) calendar days. If construction activities exceed fourteen (14) calendar days, the party performing the excavation shall be obligated to pay to the City an additional fee of twenty five percent (25%) of the total fee paid for the initial fourteen (14) day period, for each ensuing seven (7) day period until construction activities have concluded.

4. Final patch must be completed within six (6) weeks after the date of the end of the Construction Period stated in the Street Opening Permit. Failure to complete final patch within such time period shall constitute an offense within the meaning of Subsection E of this Ordinance.

E. Each violation of any provision of this section shall constitute a separate offense. All persons, as principals, agents or permittees, causing, participating in or in any way responsible for any violation of this section, shall be severally guilty of such violation and shall each be fined not less than four (4) times ~~the normal permit fee~~ the cumulative permit fee. Additionally, in the event ~~permanent repairs have not been completed by the expiration date of the permit or trenches are not backfilled properly and properly maintained with temporary asphalt,~~ construction activities have not been completed by the time periods sets forth in Subsection D above or trenches are not backfilled properly and properly maintained with hot mix asphalt, the permittee shall be fined at a rate equal to ten percent (10%) of the ~~specific~~ cumulative permit fee per calendar day and no additional permits shall be issued to the offender until the existing condition is rectified to the satisfaction of the City Engineer. Failure to comply with specified requirements may result in revocation of any existing permits, and no further permits shall be issued for ninety (90) days for the first offense, one (1) year for the second offense and the third offense may result in permanent denial of any street opening permit. Notwithstanding, the fines mentioned above still apply.

F. No permit shall be granted under the provisions of this section until fees on all permits previously issued, together with charges for street or sidewalk repairs in connection with such permit, shall have been paid.