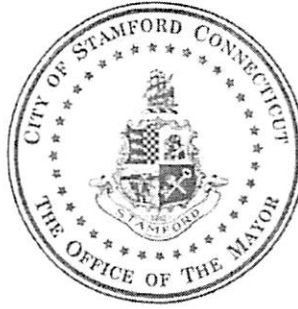


DAVID R. MARTIN
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CITY OF STAMFORD, CONNECTICUT



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Date: January 3, 2018

To: Matt Quinones, President
Susan Nabel, Clerk

From: Mayor David R. Martin

Re: Street Excavation Ordinance and Resolution

Attached is an ordinance amending Section 214-29 of the Code of Ordinances regarding the above-captioned.

030.003

In addition, I am submitting a resolution to establish fees as provided for in Section 214-29.

030.004

Thank you for your consideration.

/val

Attachment

Sec. 214-29. - Excavation permit required

A. General requirements.

- (1) (a) 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 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.

(b) If the street was paved within the past 5 years, or the sidewalk or public square was constructed or reconstructed within the past 5 years, a Special Excavation Permit must be reviewed and approved by the Director of Operations in addition to approval by the City Engineer. The Director of Operations shall prescribe such rules and requirements for the issuance of a Special Excavation Permit as may be reasonably required.

- (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 or her designatee shall require such measures to be performed by the permittee as are necessary in his or her opinion to assure the safe passage of traffic through or around a work area. The Director of Operations, or his or her designee, may require signs, barricades or traffic men and/or limit the hours of operation of such permitted work to ensure safety and minimize congestion on the streets.
- (3) No person shall begin work until each required permit, with high applicable conditions, has been issued. Any permit which is exercised without ~~such~~the required approval of the Director of Operations shall be deemed null and void, and any violation of regulations imposed on a permit shall be deemed a violation of this section. In the case of a bona fide emergency (e.g., broken gas main, water main, or sewer lateral) on a street or sidewalk where repairs must be made immediately, work may be performed prior to obtaining a written permit; however, the party performing such work must apply for a permit as soon as it is practical to do so.

- B. Every construction permit 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.
- 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 street opening" or excavation permit. Pursuant to its authority under Section C2-10-2 of the City Charter, the Board of Representatives may amend this fee, or impose other administrative fees and charges related to street opening or excavation permits, by resolution.
- 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~~ liable for such violation and shall each be fined not less than four (4) times the normal permit fee. Additionally, in the event permanent repairs required by the permit and any associated permit extensions periods, if applicable, have not been completed by the expiration date of the permit and associated extension periods, the City reserves the right to complete the project and bill the permit holder for all of the City's direct and indirect costs and expenses, plus additional administrative fees. ~~or trenches are not backfilled properly and properly maintained with temporary asphalt, the permittee shall be fined at a rate equal to ten percent (10%) of the specific 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, at the discretion of the Director of Operations, result in revocation of any existing permits, and ~~no further denial of new 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 future permits. Notwithstanding the foregoing, the fines ~~mentioned~~ stated above ~~still apply~~ shall remain in effect.
- 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.
- F.G. [▲] [New] On those occasions upon which a permittee is obligated to permanently pave a roadway, the permittee shall fully comply with all of the requirements of the City's "Street Opening Restoration Area Guidelines." Failure to so comply shall constitute a violation of this section.

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