

TOWN OF STONINGTON

ORDINANCE RE: PERMITS TO WORK OR EXCAVATE IN OR UNDER STREETS OR HIGHWAYS IN TOWN OF STONINGTON. (The Town)

BE IT ORDAINED BY THE LEGAL VOTERS OF THE TOWN OF STONINGTON 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 the Town of Stonington without first having obtained a permit from the Public Works Department.

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Section 2. Insurance Requirements

No such permit shall be issued unless and until the applicant therefore has filed with the Town of Stonington a Certificate of Insurance (COI) which includes all specified coverages with the specified limits as listed below, and names the Town of Stonington 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 the Town, following these requirements. Such policy coverages shall protect the Town from potential losses arising from any claim, liability, cost, or damage that may inure to the Town 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. 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' Compensation and 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 Town with a Performance 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 Director of Public Works. 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.

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The Surety on such a bond shall be satisfactory to the Town 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 Town and be in the Town'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.

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**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 Town of Stonington. The Contractor will require of subcontractors, by appropriate written agreements, similar waivers each in favor of the Town enumerated in this section.

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**Indemnification/Hold Harmless:**

The Contractor shall indemnify, defend, and hold harmless the Town of Stonington from and against all claims, damages, losses and expenses, including attorney's fees of counsel selected by the Town, 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 therefrom, 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.

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**Section 5. Work Standards**

All excavation and work performed must comply with the Planning and Zoning subdivision regulations, Town of Stonington Technical Standards for Land Development and Road Construction, Rules for Excavation Activity and any applicable town, state or federal law, including but not limited to the highway specifications of the Town of Stonington and of the State of Connecticut.

**Section 6. Restoration of Surface**

Any person, firm or corporation, making an excavation or tunnel, in or under any public street, highway or any other public place within the limits of the Town shall restore the surface thereof to its original condition or better in accordance with Town Standards. Said work must be approved and accepted by the Department of Public Works.

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## Section 7. 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 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 month before commencing same.

## Section 9. Authority of Superintendent of Highways and Bridges

The Department of Public Works shall, from time to time inspect all uses of any public street, highway or other public place in the Town 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 Department of Public Works when the permit is issued.

## Section 10. 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 (\$10,000.00) 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 Department of Public Works 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 March 2, 1987, Effective March 30, 1987  
Revised November XX, 2020, Effective December xx, 2020

**Deleted:** (a) All excavated material determined unsuitable for backfill by the Superintendent of Highways and Bridges shall be removed from the site and replaced with suitable material approved by the Superintendent of Highways and Bridges.¶

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

¶  
(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.¶

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(d) Temporary pavement of bituminous concrete must be used when available or cold patch shall be laid for 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 (6) inches 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 (6) inches 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 Superintendent of Highways and Bridges may permit a different resurfacing but, in any event, it shall not be less than two and one half (2 1/2) inches of bituminous concrete on ten (10) inches of gravel.¶

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