



City of Milford, Connecticut

Founded 1639

TO: Ordinance Committee Members

FROM: Michelle Parente, Chairman

DATE: September 28, 2022

**SUBJECT: ORDINANCE COMMITTEE SPECIAL MEETING
AND PUBLIC HEARING
Monday, October 3, 2022 @ 7:00 p.m. - City Hall Auditorium**

There will be a special meeting of the Ordinance Committee of the Board of Aldermen on **Monday, October 3, 2022, at 7:00 pm.** in the City Hall Auditorium, 110 River Street, regarding the following Ordinances:

AGENDA

12a-1 An Ordinance Repealing Chapter 20. Streets, Sidewalks and Public Places, Article III. Openings and Excavations, Sections 20-59 through 20-82 and Adopting Chapter 20, Streets, Sidewalks and Public Places, Article III, Openings and Excavations, Sections 20-59 through 20-67.

Copies of said proposed Ordinance(s) are on file open to public inspection at the office of the City Clerk. Any individual with a disability who needs special assistance to participate in the meeting should contact the Director of Community Development (783-3230) five (5) days prior to the meeting, if possible.

Distribution:

Mayor Benjamin G. Blake
Philip Vetro, Chairman, Board of Aldermen
Karen A. Fortunati, City Clerk
Jonathan D. Berchem, City Attorney
Chris Saley, Director, Public Works
Peter Erodici, Finance Director
Deepa Joseph, Health Director
Joseph Griffith, DPLU Director
William Garfield, Recreation Director
Tania Barnes, Human Resources Director
Christine Angeli, Library Director
Chief Douglas Edo, Fire Department
Chief Keith Mello, Police Department
Toni Weeks, Acting Risk Manager
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AN ORDINANCE REPEALING CHAPTER 20. STREETS, SIDEWALKS AND PUBLIC PLACES, ARTICLE III. OPENINGS AND EXCAVATIONS, SECTIONS 20-59 THROUGH 20-82 AND ADOPTING CHAPTER 20, STREETS, SIDEWALKS AND PUBLIC PLACES, ARTICLE III, OPENINGS AND EXCAVATIONS, SECTIONS 20-59 THROUGH 20-67.

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Sec. 20-59. Definitions

CBYD – shall mean “Call Before You Dig” service.

City – shall mean the City of Milford, Connecticut, its departments, division, employees and officials.

Construction Season – shall mean March 15 to November 15.

DOT – shall mean the Connecticut Department of Transportation, its departments, division, employees and officials.

Permit Holder – shall mean any person, business, firm, partnership, association or corporation which holds any permit issued pursuant to this Article, including, but not limited to, any agent, representative, owner, manager, employee, contractor or subcontractor of such Permit Holder.

Right of Way – shall mean the City’s Right of Way or are of the public roadway.

Road Opening Administrator – shall mean the Public Works Director, or his/her designee, as designated by City Administration.

Road Opening Permit or Permit – shall mean written authorization of the Road Opening Administrator allowing for the Work as set forth by the Permit Holder in its application for a Road Opening Permit.

Utility Work – shall mean any portion of the Work relating to utility infrastructure, including, but not limited to electric, gas, sewer and water.

Winter Work – shall mean Work during any time period outside of the Construction Season as defined above.

Work – shall mean any activity authorized by the Road Opening Administrator by issuance of a Road Opening Permit, including, but not limited to, excavating, encroaching, filling and paving in, on or under a sidewalk, street or public right-of-way.

Sec. 20-60. Road opening permits, required.

(a) Road Opening Permits are required for all Work within the City’s right-of-way and shall be valid for ninety (90) days from the date of issuance. For good cause, a Permit Holder may

request, in writing, an extension of time which may be granted in the sole discretion of the Road Opening Administrator. Road Opening Permits are not required for the following:

- (1) Utility pole replacement in the same location; or
 - (2) Installation of mailboxes, meeting USPS requirements.
- (b) Work shall commence within thirty (30) days of the date of issuance of a Permit or such Permit shall expire and terminate at 12:00 midnight on the 30th day after the date of issuance.
- (c) Work may only be performed during the Construction Season. Winter Work is not permitted. At the discretion of the Road Opening Administrator construction finish Work may be allowed until asphalt plants shut down for the season or startup Work may be allowed before the Construction Season commences.
- (d) A Permit may be granted under emergency conditions for Winter Work when no other alternative exists. Note that a Permit granted under emergency conditions for Winter Work will expire ten (10) days from date of issue if Work has not begun.
- (e) The Permit Holder is responsible for himself/herself and for anyone working directly or indirectly under his/her supervision.
- (f) In order to obtain a permit, contractors performing Work in the City of Milford shall have all of the following:
- (1) A complete, executed Permit application.
 - (2) All Permit fees shall be paid in full.
 - (3) An inspection fee equal to ten (10) percent of the cost of the Work within the City's right-of-way, based on cost estimates approved by the Road Opening Administrator, shall be paid in full.
 - (4) No Permit shall be issued unless and until the applicant has deposited with the Road Opening Administrator a bond, in a form prescribed by him/her, duly executed and acknowledged by the applicant as principal and by a qualified surety satisfactory to the Road Opening Administrator. Such bond shall be in an amount determined by the Road Opening Administrator adequate to protect the City against loss in the event of the failure of the applicant to perform the Work as and when required or make the repairs, restorations and cleanup as and when required. The amount of the bond shall be established separately for each Permit and shall remain in effect for a period of three (3) years after completion of all permanent repairs carried out by the Permit Holder. The bond shall run to the City and shall be conditioned upon faithful and proper restoration,

and faithful and proper care, maintenance, repair or replacement of all permanent repairs for a period of three (3) years after completion of the Work, all in accordance with the terms of the Permit and the provisions of this Article.

(5) An engineered drawing depicting sufficient grades and computations, existing utilities, storm and sanitary sewers and the proposed Work must be submitted. An accurate sketch may be accepted for minor Work as determined by the Road Opening Administrator.

(6) A clear, detailed scope of the proposed Work, outlining all proposed Work areas shall be included with the drawings. All lateral service trenches included in the project may be included under the Permit provided such lateral service trenches are depicted on the drawing submitted. Additional lateral service trenches not depicted shall require separate permits.

(7) A valid certificate of liability insurance and worker's compensation insurance, meeting City of Milford requirements, shall remain on file with the Road Opening Administrator. The Road Opening Administrator shall post the insurance requirements in the Engineering Office.

(8) The Tax Collector's signature will be required on the top of the application page indicating all applicable taxes are paid up to date before a Permit is issued, if applicable.

(9) A valid CBYD confirmation number.

(10) Permit Holder must not be on a list of contractors with trenches or patches needing repair as maintained by the Road Opening Administrator.

(11) If Utility Work is planned, a valid permit from such utility shall be required and placed on file with the Road Opening Administrator.

(g) All permits shall be posted on the job site while the Work is in progress and must be displayed to all authorized persons upon request.

(h) No Permit shall be issued for Work that will otherwise damage streets and sidewalks that have been paved or otherwise reconstructed in the prior five (5) years. In the event of an emergency, the Road Opening Administrator may waive the five (5) year requirement and issue a Permit upon a finding that, in his/her discretion, not issuing such a Permit would create a hardship or would otherwise be detrimental to health and safety. Any denial of a request for hardship under this section may be appealed in writing within fifteen (15) days to the Public Works Committee of the Board of Aldermen and a copy of any such appeal shall be filed with the Road Opening Administrator.

(i) For good cause, the Road Opening Administrator may, at any time, cancel any Permit issued pursuant to this Article. Cancellation of the required bond and/or insurance shall automatically cancel the permit.

(j) The issuance of a Road Opening Permit does not excuse compliance with any other applicable regulations, ordinances or laws.

Sec. 20-61. Road Opening Permit fees.

(a) The Road Opening Administrator shall establish a Permit fee schedule which may be amended from time to time and shall be posted in the Engineering Office.

(b) A Permit fee shall be charged per individual service lateral trench, excavation or for main line utility repair Work within the City's right-of-way.

(c) An additional inspection fee shall be charged in the event the main line utility project Work within the City's right-of-way is over twenty-five (25) feet in length. This additional fee shall be equal to ten percent (10%) of the cost of all Work performed within the City's right-of-way and shall be paid in full prior to the issuance of a permit. The inspection fee shall be based on cost estimates supplied by the Permit Holder and approved by the Road Opening Administrator.

(d) Permit fees shall only be waived for Work performed for the City.

Sec. 20-62. Working Without a Permit.

(a) No Work shall be performed until a Permit is obtained, except for emergency Work as determined by the Road Opening Administrator. In the event emergency Work is required, a Permit shall be obtained within twenty-four (24) hours of performing such emergency Work.

(b) The Road Opening Administrator shall have the authority to immediately shut down any Work being performed without a Permit.

(c) Any person or contractor who has failed to obtain a Permit prior to the commencement of Work, except for emergency Work, shall be charged a corrective action Permit fee in the amount of two (2) times the Permit fee.

Sec. 20-63. Road Opening Rules, Regulations and Guidelines.

(a) Existing City roads shall be restored to a condition equal to or better than that in which they were prior to construction. Paving requirements for road/trench repairs shall be as follows:

(1) For roads that have been resurfaced within the last five (5) years, milling and paving of the entire roadway from curb to curb shall be required.

- (2) For roads that have been resurfaced more than five (5) years but fewer than ten (10) years prior to the Work, and if any damage or pavement disturbance occurs to more than one-third (1/3) of the road surface, including the required pavement cutbacks, milling and paving of the entire roadway from curb to curb shall be required.
 - (3) For roads that have been resurfaced more than ten (10) years prior to the Work and if there is any damage or pavement disturbance that occurs to more than one-third (1/3) of the road surface, including the required pavement cutbacks, milling and paving of one-half (1/2) of the roadway (the impacted lane), from the centerline to the curb, shall be required.
 - (4) For roads that had been resurfaced more than ten (10) years prior to the Work and if the Work is completed without pavement disturbance or any damage to the remaining road surface (including, but not limited to track marks) and if the Permit Holder's Work impacts less than one-third (1/3) of the road surface width including the required pavement cutbacks, the Road Opening Administrator may allow the Permit Holder to provide a permanent pavement trench repair instead of milling and paving.
 - (5) Infrared technology may be required for permanent pavement trench repairs.
 - (6) If any pavement markings are affected by the Permit Holder's Work, they shall be replaced in-kind by a pre-approved pavement marking company at the expense of the Permit Holder.
- (b) Maintenance: The Permit Holder is responsible to repair and maintain Work within the public right-of-way, including curbs, trenches and sidewalks for a minimum period of three (3) years. Work shall be free from defects including cracking, heaving and/or sinking. Permit Holders must perform emergency maintenance within four (4) hours and minor maintenance within twenty-four (24) hours of notification by the Road Opening Administrator or within a period of time as determined by the Road Opening Administrator. Any Work not completed within the time specified or Work that does not meet City requirements will be repaired by the City at the Permit Holder's expense. A minimum fee of one thousand (\$1,000) dollars per incident, which charge shall include an administrative surcharge fee of fifteen percent (15%), will be charged for any required City Work. It is the Permit Holder's responsibility to notify the Road Opening Administrator for an inspection twenty-four (24) hours prior to completing Work covered by the permit. The Permit Holder's limit of responsibility for Work cannot be determined and proper credit will not be granted until the Road Opening Administrator has been notified in writing of the permanent repair and the Work has been inspected.
- (c) No Work shall occur prior to 8:00 a.m. or after 3:30 p.m., except in the event of an emergency as determined by the Road Opening Administrator.

(d) In addition to the guidelines set forth in this Article, City Administration shall have the authority to promulgate and cause to be enforced rules, regulations and guidelines to carry out the purpose and intent of this Article, which shall take effect three (3) days after posting in the Engineering Office.

Sec. 20-64. Inspection; correction of defects.

(a) The Road Opening Administrator is empowered to inspect, or cause to have inspected, at any time, any or all Work performed under a Road Opening Permit.

(b) All Work must be inspected. Inspections shall be scheduled with the Road Opening Administrator a minimum of forty-eight (48) hours in advance of the start of the Work. Cut back limits must be painted by the Permit Holder and approved by the Road Opening Administrator.

(c) If, in the opinion of the Road Opening Administrator, the Work being performed does not meet all rules, regulation, guidelines, specifications and conditions, the Permit Holder shall correct such unsatisfactory work within twenty-four (24) hours of notification, unless a longer period of time is allowed by the Road Opening Administrator.

(d) Work that has been completed and from which equipment and material have been removed will be subject to the same conditions as those cited in subsection (c) of this Section. In any case where the Permit Holder does not timely and properly maintain or repair any permanent or temporary pavement or does not timely and properly maintain, repair or replace, restore or reestablish any nonpaved area disturbed by the Work or take such protective measures with respect to any permanent or temporary pavement as required by the Road Opening Administrator, the City may perform said maintenance or make such repairs and the cost thereof shall be charged to the Permit Holder by the City, with a minimum charge of one thousand (\$1,000) dollars per incident, which charge shall include an administrative surcharge of fifteen percent (15%).

Sec. 20-65. Road Closures and Traffic Flow

(a) In the event the Work requires the closing of a road for any period of time, notice shall be given in writing to the Road Opening Administrator forty-eight (48) hours in advance of any such closure.

(b) The Permit Holder shall provide the name, address and telephone number of person who may act as Permit Holder's agent for the period that the road may be closed in case of an emergency.

(c) The Road Opening Administrator, in consultation with the Police Chief, Fire Chief and Chief Elected Official, may determine the need for closing the road and may require the Work or work method to be so altered as to provide for traffic flow.

(d) The Permit Holder shall notify the Police Chief, Fire Departments and Chief Elected Official forty-eight (48) hours in advance of the closing of any road, except in case of emergencies.

(e) The Road Opening Administrator, in consultation with the Police Chief, Fire Chief and Chief Elected Official, shall review the traffic control plan and, together, shall determine whether traffic control persons or police officers are necessary to ensure the public's safety, and shall further determine the appropriate number of same. If it is determined that no police officers are necessary or if the Police Department is unable to provide sufficient police officers, the Road Opening Administrator and Police Chief shall, in the alternative, determine the appropriate number of traffic control persons necessary to ensure the public's safety. If such conditions exist at the close of the working day, a police officer(s) and/or a sufficient number of traffic control persons shall be employed and assigned by the Permit Holder to direct traffic at night per the direction of the Road Opening Administrator at the Permit Holder's expense. The Work shall be planned to avoid such conditions whenever possible.

Sec. 20-66

If any provision, clause or phrase of this Article is adjudged by a court of competent jurisdiction to be invalid or if the applicability thereof to any persons or circumstances is held invalid, such judgment shall not invalidate the remainder, and the applicability thereof to the other persons or circumstances shall not be affected thereby.

Sec. 20-67. Violations and Penalties.

(a) The penalty provided herein is in addition to and not in lieu of any requirements provided in this Article for the payment of fees, costs, expenses, etc.

(b) Any requirements provided in this Article for the payment of fees, costs, expenses, etc., or any other penalty shall not affect or be deemed to limit any other remedy available to the City or any other penalty provided by law.

(c) Any person violating any provision of this Article or the rules and regulations shall be fined an amount of two hundred fifty (\$250.00) dollars for each violation. Each day's continuance of the violation shall be considered a separate offense.