

Chapter 206. Streets and Sidewalks

Article V. Street Excavations

[Adopted 2-11-1985 by Ord. No. 223]

§ 206-21. Permit required.

No person, firm or corporation shall make or cause to be made any opening or excavation for any purpose whatsoever within or under any street, highway or sidewalk in the City of West Haven without first obtaining a permit from the Director of Public Works, pursuant to the terms and provisions of this article as hereinafter set forth.

§ 206-22. Issuance of licenses; fee.

A. A license to perform specific work within the public rights-of-way must be issued by the Director of Public Works to any person, firm or corporation who makes proper application therefor by filing a satisfactory bond and satisfies the Director of Public Works that he is competent and intends to perform his work in accordance with all applicable conditions, rules, regulations and specifications herein contained or hereafter adopted.

B. Fees:

[Amended 2-10-2020]

(1) Single-opening driveway repaving: \$75 for 50 square feet or less; \$75 for each additional 200 square feet.

C. Trench patch fund.

[Added 9-11-2006]

(1) Applicants for a license are required to make and maintain a deposit of \$1,500 in the City of West Haven's trench patch fund. These funds shall be held for a period of two years.

(2) If repairs are ordered by the City pursuant to § 206-27 of this Code, funds shall be used for payment. If the applicant applies for another license and funds were removed to restore a prior excavation, the applicant must make the account whole again. The applicant may request the return of the amount after the expiration of two years if he or she does not intend to work in the City of West Haven again or need to open the street again.

§ 206-23. Performance bond.

A. Before a license is granted, every applicant shall provide the Director of Public Works with a performance bond. This is required for the faithful performance of the work contemplated. This shall be issued by an approved surety company licensed in the State of Connecticut. It shall be for an amount of a minimum of \$5,000 and may vary upwards on larger projects in amounts as required

by the Director. This bond will be in force from April 1 to March 31 and shall be renewed annually and shall cover any project by the contractor until the expiration of the maintenance period.
[Amended 9-11-2006]

- B. The maintenance period shall be for one year from completion of the excavation.

§ 206-24. Insurance coverage.

- A. The contractor shall be protected by and shall pay the premiums on policies of insurance coverage, both employers' liability under Connecticut law and public liability insuring him against liability to persons outside of his employ, in the amounts of:

(1) Liability: \$100,000/\$300,000.

(2) Property damage: \$50,000/\$50,000 or single limit of \$500,000 per occurrence.

- B. Said policies shall be issued by an insurance company licensed and admitted in the State of Connecticut.
- C. Special coverage for blasting shall be provided when needed.
- D. Said policies shall include the City of West Haven as the named insured.
- E. The insurance coverage shall show proof of adequate insurance indemnifying the City of West Haven from any damage.

§ 206-25. Regulations applicable to licenses and licensees.

The Director of Public Works shall issue a license upon receipt of a surety bond and in accordance with the following regulations:

- A. The applicant shall file his business address with the Director of Public Works and shall notify said Director of any change. Any orders or notices that the Director's office may have to give to said applicant, mailed to the address so filed, shall be considered as due notice delivered to him personally.
- B. All licenses shall expire on the 30th day of June following the date of issue unless sooner revoked as herein provided. The license may be required by compliance with the provisions of this Article.
- ~~C. The Director may at any time cancel or suspend any license for cause. Cancellation of bond or insurances automatically suspends the license.~~
- D. No one but a duly licensed contractor or public utility company shall do any work upon any public right-of-way within the City of West Haven.
- E. All licensed contractors shall file with the Director the name or names, telephone number and address of persons who may be contacted in case of emergency after regular working hours.

§ 206-26. Authority of Street Excavation Inspector.

All excavations made in any public highway in said city shall be made under the direction or supervision of the Street Excavation Inspector as the agent of the Director of Public Works.

§ 206-27. Replacement of highways; repair.

The permittee, at his own expense, shall replace the highway in as good a condition as before the work was started and shall repair any damage caused by his activities under said permit. All repair and replacement work shall be performed by or under the direction of the permittee and supervised by the Street Excavation Inspector. If, in the opinion of said Inspector, the work being performed does not meet the specifications and conditions, commencing work within 24 hours of notification to make such correction, unless a longer period of time is allowed by the Director. In the event that said permittee fails to properly repair or replace said highway, the Street Excavation Inspector shall order the necessary repairs, and the permittee shall be liable for the full expense of such work.

§ 206-28. Notification; emergencies.

No person, firm or corporation shall commence any excavation until notice of at least 24 hours has been given to the Street Excavation Inspector. Said Excavation Inspector may waive said notice when, in his discretion, an emergency exists.

§ 206-29. Method of excavating; trenching; sheeting.

- A. Excavations. The size of the excavation shall be kept as small as practicable to carry on the work. Any permittee making an opening or excavation in a public highway paved with cement concrete, bituminous concrete or any oiled gravel shall cut the surface of pavement with a pneumatic cutter or its equal. The cut is to be made in as straight a line as possible for the length of the proposed excavation and to the depth of the existing pavement. No material shall be placed so as to interfere as little as possible with the ordinary use of the highway. If such excavated material must be placed in drainage ditches, a suitable conduit first shall be installed temporarily in the ditch to carry drainage beyond the obstruction. Water in a trench must not be pumped onto the pavement or travelway.
- B. Trenching shall proceed in accordance with latest manual on safety in construction as published by the William Steiger Occupational Safety and Health Act of 1970. The trench shall be an ample width at the bottom to accommodate the structure to be placed and any work on the structure that conditions necessitate.
- C. Sheeting requirements for excavation to ensure the safety of personnel, the public, property or proper installation shall be furnished and placed by the contractor in accordance with good practice and at his own expense. Requirements and specifications for sheeting shall satisfy the intent of the William Steiger Occupational Safety and Health Act of 1970.

§ 206-30. Protection of excavations; closing of streets.

- A. All excavations shall be properly protected by barricades, danger warning signs and, during the night season, by proper flares or proper warning lights. It shall be one of the conditions of the permits and the duty of the permittee to maintain these warning lights at all times that the excavation is open.
- B. In the event that it is necessary to excavate across the entire width of any street or highway, only 1/2 of the street or highway must be excavated at one time, and the same shall be properly restored for safe passing of vehicular traffic before the remaining 1/2 of the street is excavated.
- C. In the event of any emergency when it shall become necessary to close the entire street or highway, the Police Department and Fire Department shall be notified at once of the action to close the street or highway.

§ 206-31. Backfilling.

- A. Backfilling and paving shall take place only in the presence of the Street Excavation Inspector or his deputy.
- B. The backfilling of excavations in city highways shall be performed so that the least possible settling will occur. The excavation shall be filled with suitable material and thoroughly tamped in a layer not to exceed six inches in thickness. Acceptability of excavated material to be used in the backfill shall be determined solely by the Street Excavation Inspector.
- C. Tamping shall be by means of mechanical rams, vibrators, hand tamps or by pneumatic tampers. If pneumatic tampers are used, they shall have a tamping face area of not less than 50 square inches in area, and each complete assembly shall have a weight of not less than two pounds per square inch. If a hand tamp is used, it shall weigh not less than 12 pounds and have a tamping face area of not more than 50 square inches.
- D. When approved or directed by the Street Excavation Inspector, the backfill shall be thoroughly consolidated by flushing the excavation with water.
- E. The top eight inches of backfill in the pavement area shall consist of processed stone and in the shoulder area shall consist of a minimum of eight inches of processed gravel or processed stone on top of approved bank-run gravel backfill. Unsuitable material must be removed promptly from the site of the work by the permittee or his contractor.
- F. Backfill around tree roots shall be placed carefully, tamped and puddled to prevent air pockets, root damage or settlement.

§ 206-32. Temporary pavement; permanent restoration.

- A. Temporary pavement repairs and improved shoulder repairs.
 - (1) As soon as the excavations have been backfilled and tamped, the pavement shall be replaced temporarily by the permittee. The temporary pavement shall consist of a bituminous concrete mixture approved by the Street Excavation Inspector, compressed to a minimum depth of two inches. The surface of the temporary pavement shall not extend above or below the surface of the surrounding permanent pavement and shall be reasonably smooth. The permittee shall be responsible for the temporary pavement and shall see that the contractor or his own forces keep this pavement in repair until the permanent surface can be replaced. Additional material shall be added, as necessary, as the backfill settles.
 - (2) In any case, if the permittee does not maintain the temporary pavement adequately, the Street Excavation Inspector will order the necessary repairs to prevent accidents, and the permittee will be charged by the city for this work.
- B. The licensee shall deposit with the Director of Public Works a sum of money equal to the estimated cost of the permanent resurfacing or repaving of said public right-of-way.
- C. A public utility company may request permission from the Director of Public Works to restore the pavement, at its own expense, under supervision of the Director of Public Works.

§ 206-33. Period of settling prior to permanent paving.

- A. Depending upon the character of the excavation, the depth, the kind of material used in backfilling, the degree of compactness obtained and other conditions, the Street Excavation Inspector may require that the temporary repair of an excavation be maintained until he is satisfied that the settlement of the backfill material is practically completed and that the permanent repair can be made without creating a hazard to the users of the highway. Where it appears that a long period of time will be required to obtain adequate settlement of backfilled material, a semipermanent surface of bituminous concrete shall be placed.

- B. On bituminous concrete highways, a minimum depth of two inches of compacted, semipermanent surface shall be placed when ordered by the Street Excavation Inspector, to remain until a permanent bituminous concrete surfaced can be placed.
- C. Upon replacement of permanent pavement, a cutback of 18 inches must be made prior to placement of permanent pavement.

§ 206-34. Time period of permits; extensions.

All work must be completed to the satisfaction of the Street Excavation Inspector. Permits become void 30 days after the issuance of said permit. The Street Excavation Inspector can, upon request of the permittee, grant an extension of time for what he determines to be a valid reason.

§ 206-35. Permit procedure for emergency work.

When permission has been granted orally by the Inspector to perform emergency work, such as repair of a broken gas or water main, the person or company concerned must file a written application for a permit within 24 hours thereafter, in the manner prescribed for a nonemergency work. Thereupon, a written permit will be sent in confirmation of the oral permission as a permanent record of the transaction.

§ 206-36. Permit fee.

There shall be paid to the City of West Haven an excavation permit fee in the sum of \$15 for each excavation job in any street, highway or sidewalk of the City of West Haven.

§ 206-37. Indemnification of City.

The permittee shall pay and make good all losses or damages arising out of any cause connected with the excavations of said street and shall indemnify and save harmless the City of West Haven from any and all claims and any and all liability or responsibility of every nature and kind for any loss, damage or injury which any person or persons may sustain or suffer by reason of any cause connected with the excavation of said street by the permittee.

§ 206-38. Penalties for offenses.

Any person, firm or corporation violating any of the provisions of this article shall be fined not more than \$50 for each offense and a like penalty for each day's continuance thereof.

§ 206-39. Applicability to public utilities.

No provisions contained herein shall be deemed to require the public utilities companies to secure a permit for the installation of poles, unless such installation involved the excavation of the traveled portion of the highway.