

REPEALED BY ORDINANCE #55

- 38. AN ORDINANCE REGULATING STREET OPENINGS, EXCAVATIONS AND PAVEMENT CUTS WITHIN THE LIMITS OF ANY PUBLIC CITY HIGHWAY BY PERSONS OTHER THAN THE CITY OF GROTON, PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND REPEALING ORDINANCES IN CONFLICT THEREWITH
(JANUARY 10, 1972)**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GROTON:

Section 1 – (Definitions)

The following words, when used in this ordinance, shall have the following meanings ascribed to them in this section, except in those instances when the context clearly indicates otherwise:

- (a) “Superintendent” shall mean the Public Works Superintendent of the City of Groton or his authorized agent.
- (b) “Paving” shall include any kind of hard surfacing, including but not limited to, concrete, bituminous concrete, brick, stabilized gravel or crushed stone or combinations of such materials as well as oiled gravel surface.
- (c) “Person” shall include any individual, firm, partnership, corporation, private utility trust or other association.
- (d) “Private Utility” shall include any privately owned telephone, telegraph, television, water, electric, gas, and railroad company or department thereof.
- (e) “Street” shall mean and include the entire right-of-way of a public street, highway, alleyway, road of easement maintained by the City of Groton.
- (f) ASTM shall mean American Society for Testing and Materials.

Section 2 - (Permits)

- (a) No pavement shall be opened or cut and no excavation made within the rights of way of streets by any person without first having obtained a permit for such work from the Superintendent. The application for a permit shall include a description of the work to be performed, the name of the street, the type of pavement to be broken, an estimate time required to complete the work, the names of the applicant, and the contractor who will perform the work and other pertinent information that the Superintendent deem necessary. When all requirements of this ordinance have been met, the Superintendent shall issue a permit authorizing the work. Each permit, unless previously extended or revoked, shall expire six (6) months from date of issue.

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- (b) The provisions contained in Section 2(a) above, prohibiting the opening or cut of any pavement or the making of any excavation without first obtaining a permit for such work shall not apply to emergency work performed by a private utility for the restoration of service due to the breakage or failure of water, sewer, gas or electric lines or communication facilities, but the emergency openings shall be reported to the Public Works Superintendent within ninety-six (96) hours after the breakage of pavement or making of such excavation, and at time of such reporting a permit for the work shall be obtained.
- (c) Within thirty (30) days after the adoption of this ordinance and upon furnishing to the City of Groton the insurance required by Section 3 of this Ordinance, private utility companies will be issued permits for work done by their own full time staff forces. Each such permit shall be in force until it is revoked by the Superintendent for violations of the provisions of this Ordinance or any other relevant ordinances or regulations. However, copies of all work orders for any and all excavations in City maintained streets must be submitted to the office of the Superintendent after completion of such work except as noted in Section 2(b) above.
- (d) Private contractors doing work for any utility must obtain a permit on an individual job basis.

Section 3 – (Insurance)

Before any permit is issued, the permittee, shall furnish the City of Groton, with a certificate of insurance indicating that the permittee and the City jointly and severally are covered by public liability insurance written by a company acceptable to the City with limits of at least \$100,000/\$3000,000 for bodily injury and \$50,000 for property damage. Such insurance shall include protection against liability arising from completed operations for twelve (12) months after completion of the work.

Section 4 – (Bond)

The permittee, except as noted in subsection 4(a) below shall furnish to the City a performance bond in an amount equal to the estimated cost of restoring the streets or one thousand dollars (\$1,000) whichever is greater. The bond may be by cash or certified check, deposited with the City treasurer or a performance bond written and signed by a surety company acceptable to the City. All bonds so deposited shall continue in force until the work has been completed to the satisfaction of the Superintendent.

- (a) Private utility companies will be excluded from bonding when the work to be done is to be by their own full time staff forces. Private contractors doing work for any utility shall be required to post bonds in accordance with Section 4 of this Ordinance.

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Section 5 – (Pavement Cuts)

All pavement cuts shall be made in a workmanlike manner. Longitudinal cuts shall be made parallel to the center line of the roadway. The ends of the cuts shall be made at right angles to the side lines of the cut. Cuts shall be made no longer than is necessary to perform the work efficiently and every reasonable effort must be made to prevent damage to adjoining pavement.

Section 6 – (Excavations)

Excavations shall be carried on in a manner that will cause as little inconvenience to the public as possible. All excavations must be properly sheeted, shored or braced as required by the Superintendent to prevent cave-ins and to protect adjoining property and workmen. Excavations must be properly barricaded at all times and warning lights displayed between one-half (1/2) hour after sunrise. If deemed necessary the Superintendent may require continuous attendance at any open excavation.

Section 7 – (Backfill)

All backfill shall be placed in six (6) inch layers and each layer properly compacted before adding the next layer. Each layer shall be compacted to 90 per cent maximum density as determined by method D of the ASTM tentative methods D1557-66T. Whenever the excavation contains pipe, the backfilling shall be started as soon as the pipes have been laid and continued to completion. The space between the pipe and bottom and sides of the trench shall be packed full by hand shovel with sand. The sand under the pipe shall be thoroughly compacted using approved angle tamping irons. Sand backfill at the sides and up to one foot above the top of the pipe shall be placed by hand in six inch layers and thoroughly compacted using hand tampers. All remaining backfill shall be bankrun gravel having no stone greater than 4 inches in diameter, or processed gravel. This gravel shall be compacted by water jetting, puddling or tamping as described below. Backfilling with uncontrolled open hose running is not acceptable.

- (a) Water Jetting – If the backfill is to be compacted by water jetting, the material shall be placed in uniform layers not exceeding four feet deep. Before the succeeding layer is placed, the previous layer shall be thoroughly saturated for its full depth and at frequent intervals until all slumping ceases. Jet pipes shall be at least 1 ½” diameter supplied by fire hydrant pressure of not less than forty (40) pounds.
- (b) Puddling – If the backfill is to be compacted by puddling, the material shall be deposited in water of sufficient depth so that the material will be submerged when in place. Dams or dykes constructed in the trench to hold the water used for puddling shall be compacted by tamping as specified below.

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- (c) Tamping – If the location is unsuitable for jetting or puddling, compaction shall be accomplished by tamping, or under appropriate circumstances, rolling. The gravel shall be deposited and spread in uniform, parallel layers not exceeding 6 inches for compaction. Each layer shall be thoroughly saturated during compaction. Before a layer is placed, the previous layer shall be thoroughly tamped to produce a thoroughly compacted mass.

Section 8 – (Base)

The base for the road shall be equal to the existing base but in no case shall be less than twelve (12) inches of well graded bank run gravel with maximum aggregate size of three (3) inches. Bituminous concrete binder course may be substituted for macadam base in equal depth. No surface shall be placed without first notifying the Superintendent, twenty-four (24) hours in advance.

Section 9 – (Restoration of Pavement)

- (a) At the time the barricades are removed from around the work area, any pavement broken during the course of the work under the permit shall be restored by the permittee either by a temporary or permanent restoration. A temporary restoration may be made with the approval of the Superintendent by application of one (1) inch of bituminous cold patch over a previously prepared compacted gravel base twelve (12) inches thick. The cold patch surface must be level and smooth.
- (b) A permanent restoration shall be made by restoring the pavement and base at least to the conditions existing previous to the start of work, but in no case with less than two (2) inches of bituminous concrete at a width of six (6) inches beyond all sides of the excavation
- (c) If the permittee is permitted to make a temporary pavement restoration at the time the barricades are removed, it must be replaced prior to the expiration of the permit with a permanent restoration unless the Superintendent directs earlier replacement or permits later replacement.
- (d) The permittee shall be responsible for the maintenance of all temporary restorations of pavements and for the maintenance of all permanent restorations of pavement until the Superintendent is satisfied that the work has been completed.

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Section 10 – (Openings Other Than in Street Pavements)

In distributed areas other than street pavements, the land and surface shall be restored to a condition at least equal to that prior to excavation. Lawn areas shall have a minimum of four (4) inches of loam and must be seeded.

Section 11 – (Clean-up)

The permittee shall keep his work area in a clean condition at all times and upon completion of the work, shall promptly remove all equipment, tools, materials, excess earth or rubbish from the work area. The permittee shall be responsible for seeing to it that all workmen on the job observe sanitary requirements.

Section 12 – (Field Conditions)

The permittee shall comply with all directives of the Superintendent made necessary by field conditions and if he fails to do so, the Superintendent is authorized to revoke the permit.

Section 13 – (Maintaining Passage of Public)

It shall be the responsibility of the permittee to maintain safe passage for the public at all times unless the Superintendent authorized the permittee in writing to close the street or highway to public travel. The Superintendent may, at his discretion, authorize the closing of a street by the permittee when he finds that field conditions make it unreasonably difficult for the permittee to carry out the work while maintaining safe passage for the public, providing the safety and welfare of the public will be not jeopardized. Before authorizing any such closing, the Superintendent shall consult with the Chief of Police, the Fire Chief, and such other officials as he deems necessary to help him evaluate the effect of any such closing on the safety and welfare of the public. The Superintendent may limit the hours the permittee may close the street and issue such other directives as he deems necessary in the interest of the public. The permittee shall provide uniformed traffic officers for traffic control at the excavation or excavations, if so directed by the Superintendent or the Chief of Police. Safe and adequate ingress and egress to and from abutting property shall be provided for both vehicular and pedestrian traffic, except during the working hours when construction operations make this impossible. Free access shall be provided at all times to fire hydrants.

Section 14 – (Inspection)

All work undertaken under the terms of this Ordinance shall be subject to inspection at all reasonable times by the Superintendent. Upon completion of the project authorized by said permit, the Superintendent shall make final inspection of the project, and upon approval and acceptance by him, the permittee shall be notified of this approval and acceptance, and said approval shall be entered on the permit. If on final inspection, the Superintendent shall disapprove said project, the

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permittee shall be responsible for adjusting and correcting the project until it shall meet the Superintendent's approval.

Section 15 – (Revocation of Permit)

The permittee shall comply with and all work shall be done in accordance with all provisions of this Ordinance and all other relevant ordinances and regulations. If this is not done, the Superintendent is authorized to revoke the permit and, where required, complete any unfinished work at the expense of the permittee.

Section 16 – (Liability of City)

This Ordinance shall not be construed as imposing upon the City, or any official or employee thereof, any liability or responsibility for damage to any person injured by the performance of any excavation or restoration work for which an excavation permit is issued hereunder; nor shall the City or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit or the approval of any excavation or restoration work.

Section 17 – (Penalties)

Any person who shall violate any of the provisions of this Ordinance, or any other applicable ordinance or law relating to the work shall, upon conviction, be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment not exceeding thirty days or both and his permit may be revoked. Revocation of the permit or conviction of a violation in a court of law shall be considered as just cause for denial of future permits to such person.

Section 18 – (Severability)

This Ordinance, and the various parts, sections and clauses thereof, are hereby declared as severable. If any part, sentence, section or clause is adjudged invalid, it is hereby provided that the remainder of this Ordinance shall remain unaffected thereby.

Section 19 – (Repealer)

All existing ordinances or parts of existing ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Initially approved: December 20, 1971
Finally approved: January 10, 1972