

CHAPTER XIV - PUBLIC PROPERTY

Article 1. - General

Secs. 14-1—14-10. Reserved.

Article 2. - Streets, Sidewalks and Other Rights-Of-Way¹

Part A. - Generally

Sec. 14-11. Removal of snow and ice.

- a) *Responsibility of owner; fine; abatement; lien.* The owner or designated agent having the care of land or buildings fronting on any street or public place in such town where there is any sidewalk shall, within twelve (12) hours of daylight, or not to exceed twenty-four (24) hours of elapsed time immediately following the cessation of a storm of snow, ice or sleet, or the accumulation of ice or snow thereon, cause the same to be removed from such sidewalk. If such accumulation cannot be completely removed sand or other proper substance shall be applied to make such sidewalk safe for travel. The provisions of this section shall apply to the falling of snow from any building and also to any footway or sidewalk of any bridge spanning any railroad in the town.
- b) *Responsibility of owner, tenant, occupant, or designated agent of premises to clear fire hydrant.* The owner, tenant, occupant, or designated agent of any premises fronting on that portion of any street or public place at which any fire hydrant is located shall remove all snow and ice accumulating higher than a point four (4) inches below the bottom of the lowest outlet on the fire hydrant and within a circumference of thirty-six (36) inches around such fire hydrant in all directions and shall clear a thirty-six (36) inch path from the fire hydrant to the street or public place within twelve (12) hours of daylight, or not to exceed twenty-four (24) hours of elapsed time immediately following the cessation of a storm of snow, ice or sleet, so that the Fire Department shall have unimpeded access to the fire hydrant.
- c) *Throwing ice or snow in the streets from private property.* No person shall throw or place, or cause to be thrown or placed, any ice or snow into the public street or right-of-way within the town from private land or property without the authority or permission of the town council or its agent.
- d) *Penalties.*
 - 1) Any person who violates the provisions of § (a), above, shall pay a fine as set forth in the town fee schedule. In addition, the town shall have the right to remove or treat such ice or snow which any owner or designated agent responsible for the maintenance of land fails to remove in a timely manner from a public sidewalk and charge the expense of such removal or treatment to the owner or designated agent. The town shall also have the right to place a certificate of lien upon the land records against said property for any expense incurred which remains unpaid.

¹ **Cross references**—Peddlers and solicitors, § 5-30 et seq.; sledding on streets, § 17-1 of this code book.

- 2) Any person who violates the provisions of § (b) or (c), above, shall receive a written warning for the first offense and shall pay a fine as set forth in the town fee schedule for each offense that occurs within six (6) months after receipt of the written warning.

(Ord. of 2-4-1957, §§ 1, 2; Ord. No. 05-08, 2-26-2008; Ord. No. 07-18, 07-24-2018)

State law reference—Municipal liability for snow and ice on sidewalks, state statute § 7-163a.

Sec. 14-12. Construction specifications.

All materials, methods of construction, and details of structures and appurtenances will be in compliance, as determined by the town engineer, with the following:

- 1) State department of transportation standard specifications for roads, bridges and incidental construction as from time to time amended; and/or
- 2) Town specifications on file in the office of the town engineer.

(Ord. No. 6-91, § VIII, 8-27-1991)

Sec. 14-13. Liability for snow and ice on public sidewalks.

- a) Pursuant to the provisions of state statute § 7-163a, notwithstanding the provisions of state statute § 13a-149, or any other general statute or special act, the town shall not be liable to any person injured in person or property caused by the presence of ice or snow on a public sidewalk unless the town is the owner and exercises control of land abutting such sidewalk; other than land used as a highway or street, provided the town shall be liable for its affirmative acts with respect to such sidewalk.
- b) The owner or person in possession and control of land abutting a public sidewalk shall have the same duty of care, with respect to the presence of ice and snow on such sidewalk, toward the portion of the sidewalk abutting his property as the municipality had prior to the effective date of the ordinance [from which this section derives] and shall be liable to persons injured in person or property where a breach of said duty is the proximate cause of said injury.
- c) No action to recover damages for injury to the person or to property caused by the presence of ice and snow on a public sidewalk against a person who owns or is in possession and control of land abutting a public sidewalk shall be brought but within two (2) years from the date when the injury is first sustained.

(Ord. No. 04-08, 2-26-2008)

Secs. 14-14—14-20. Reserved.

Part B. - Regulations for Performance of Work by Contractors

Subdivision I. General

Sec. 14-21. Work to be done by licensed contractors.

No one but a contractor, duly licensed by the town engineer or his designated agent as provided in this chapter, or governmental agency or public service company, shall do any work upon any public right-of-way in the town, but this section shall not prevent the making, without such license, of temporary or minor repairs by the owner of the abutting property, or such owner's agent, provided that a permit is obtained for such repairs.

(Ord. No. 6-91, § I(G), 8-27-1991)

Sec. 14-22. None but competent persons to be employed.

No person employed by any licensed contractor under his license shall be allowed to perform any work whatsoever if, in the opinion of the town engineer, such employee shall have shown himself incompetent to perform such work as he is expected to do. The licensed contractor shall provide supervision over the work at all times.

(Ord. No. 6-91, § I(I), 8-27-1991)

Sec. 14-23. Notice before starting work.

Notice must be given at the office of the town engineer not less than forty-eight (48) hours, excepting weekends and holidays, before starting any work for which line, grade, or the location of buried utilities, or any other pertinent information is required to be obtained prior to commencing work. No permittee shall commence work on a public right-of-way until such line and grade or the location of buried utilities has been marked. Should any stakes or marks be moved or lost, the permittee shall not proceed without them but shall notify the office of the town engineer and request their replacement. Any work which is not true to line and grade shall be ordered removed and replaced to the proper line and grade at the expense of the permittee.

(Ord. No. 6-91, § I(K), 8-27-1991)

Sec. 14-24. Test pits.

- a) *Generally.* Where in the opinion of the town engineer test pits are required to ascertain subsurface conditions, they shall be provided by the permittee prior to performing the permitted work at no expense to the town. The excavation, backfill, and restoration for test pits shall be in accordance with part C of this article, as applicable.
- b) *Inspections; correcting unsatisfactory work.*
 - 1) The town engineer, or his designated agent, is empowered to inspect, or cause to have inspected, at any time, any or all work being performed under a permit issued under this chapter.
 - 2) Inspection services are required at each stage of construction of permitted activities including, but not limited to, before backfilling of trenches, during compaction of trenches, before permanent pavement restoration, and before driveways and sidewalk surfaces are installed. The permittee shall request necessary inspections at least four (4) working hours before commencing the work to be inspected.
 - 3) If, in the opinion of the inspector, the work being performed does not meet the specifications and conditions approved or required, the permittee shall correct such condition, commencing work within twenty-four (24) hours of notification to make such correction, unless a longer period of time is allowed by the town engineer or his designated agent. 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 (2) of this section, except that at least five (5) days shall elapse before the permittee shall be required to commence work. If the permittee fails to comply with the requirements of this section, the town engineer may cause such work to be done, and the permittee shall be liable for the full expense of such work, such expense to be paid within thirty (30) days of billing.

- 4) If, in the opinion of the town engineer or his designated agent, any conditions resulting from activities of the permittee presents a hazard, the permittee will be ordered to immediately eliminate the hazard. If the permittee cannot be contacted, or if the hazard requires correction before the permittee could be expected to respond, the town may take corrective action, with the permittee liable for the costs thereof.
- 5) If the permittee fails to comply with the requirements of this section, the town engineer or his designated agent may cause such work to be done by town forces or others, and the permittee shall be liable for the full expense of such work.
- 6) All expenses incurred by the town as provided in this section shall be reimbursed by the permittee within thirty (30) days of billing.

(Ord. No. 6-91, § I(L), 8-27-1991)

Sec. 14-25. Period of responsibility.

- (a) Unless the period of responsibility is waived in writing, in whole or in part by the town engineer, the permittee shall guarantee his work for a period of eighteen (18) months from the date of completion of such work, during which period insurance and bond as provided in subdivision II of this part shall remain in full force and effect. Where the work consists of buried utilities or services thereto, the owner of the utility shall be permanently responsible for any settlement, cracking, or other failure of road surfaces, caused by the work performed and shall restore the roads where required by the town engineer.
- (b) Where failure of the completed work presents a hazard to the public, the permittee, or responsible utility company or agency, shall initiate necessary repairs or restoration within twenty-four (24) hours of notice by the town. Where a hazard is not immediate, unless otherwise allowed by the town engineer, restoration shall be commenced within five (5) days of the notice. Should the permittee or responsible utility fail to comply with the provisions of this section, the town engineer may cause such work to be done, and the permittee and/or applicable utility shall be liable for the full expense of such work, such expense to be paid within thirty (30) days of billing.

(Ord. No. 6-91, § I(N), 8-27-1991)

Sec. 14-26. Exceptions to chapter provisions.

- (a) The town engineer, or his designated agent, shall waive all requirements concerning licensing, bond, and insurance where work is to be performed by the employees of any governmental agency or public service company. Nothing contained in this section, however, shall be deemed to waive permits. Any such agency or company excepted under this subsection shall be considered a licensed contractor for the purpose of this chapter.
- (b) None of the provisions of this chapter shall apply to any work performed by the employees of any public service company in connection with the installation, maintenance, repair, replacement or relocation of utility poles owned by any public service company, nor to the erection of any temporary protective warning signs or devices.

- (c) Nothing in this chapter shall be construed to prevent excavation or work related thereto by a public service company, or its authorized agent/contractor, in the event of an emergency.

(Ord. No. 6-91, § I(O), 8-27-1991)

Secs. 14-27—14-30. Reserved.

Subdivision II. License

Sec. 14-31. To whom issued; fee.

A license to perform specific work within the public rights-of-way will be issued by the town engineer or his designated agent to any person or corporation who shall make proper application thereof, file a satisfactory bond, show evidence of liability insurance as specified in this subdivision, and satisfy the town manager of the town or his designated agent that he is competent and intends to perform his work in accordance with all applicable conditions, rules, regulations and specifications contained or hereafter adopted in this chapter. A fee as listed in the town fee schedule will be charged for each license issued.

(Ord. No. 6-91, § I(A), 8-27-1991)

Sec. 14-32. Bond.

Before a license is granted the applicant therefor must file with the town engineer's office a surety bond in the sum of one thousand dollars (\$1,000.00) made out on a form provided by such office for the purpose, by a regular indemnity or surety company authorized to transact business in the state and approved by the town manager of the town or his designated agent.

(Ord. No. 6-91, § I(B), 8-27-1991)

Sec. 14-33. Insurance.

- (a) The contractor applying for a license shall furnish to the town a valid insurance certificate completed by his agent or insurer for the amounts described as follows: Liability, with bodily injury limits of five hundred thousand dollars (\$500,000.00) each person; one million dollars (\$1,000,000.00), each accident; with property damage limits of one hundred thousand dollars (\$100,000.00), each accident.
- (b) The insurance shall cover the entire contract period as well as the maintenance period of eighteen (18) months, and if the insurance expires during this time, the contractor shall furnish the town with a renewal certificate at least ten (10) days prior to its expiration, or the license and any permits pursuant to it shall be null and void. The property damage insurance shall specifically cover damage to underground pipes and conduits damaged while using mechanical equipment to excavate in the public right-of-way. The insurance shall specifically name the town as additional insured.
- (c) If a licensee shall fail to renew an insurance policy which expires during such maintenance period, the town engineer or his designated agent may renew such policy after a written notice to the licensee and to his surety company and, upon their failure to furnish a renewal certificate, charge the cost thereof to the surety company.

(Ord. No. 6-91, § I(C), 8-27-1991)

Sec. 14-34. Applicant's business address and telephone.

The applicant for a license shall file his business address and the telephone number at which he may be reached in case of emergency with the town engineer's office, and shall notify such office promptly of any change therein. Any orders or notices which the town engineer's office or its authorized agent may have to give to such applicant, if mailed to the address as filed, shall be considered as due notice delivered to him personally; and shall relieve the town of further obligation in the matter.

(Ord. No. 6-91, § I(D), 8-27-1991)

Sec. 14-35. Expiration date.

All licenses will expire on January 1 next following their date of issue, unless sooner revoked, and a new application must be made in all respects like the first and a new license obtained before any work can be performed thereafter by the licensee.

(Ord. No. 6-91, § I(E), 8-27-1991)

Sec. 14-36. Revocation.

The town engineer or his designated agent may at any time revoke or suspend any license for cause. Sufficient cause for revocation or suspension includes, but is not limited to, failure of the licensee or his agents to comply with any section of this chapter. Cancellation of insurance or bond of a licensee automatically suspends such license. No work or activity may be conducted by a licensee, other than emergency work ordered by the town, while such license is revoked or suspended.

(Ord. No. 6-91, § I(F), 8-27-1991)

Sec. 14-37. Transfer.

No licensed contractor or abutting property owner shall transfer his license or permit to any other person for any purpose whatsoever.

(Ord. No. 6-91, § I(H), 8-27-1991)

Sec. 14-38. Permits.

No work within the public rights-of-way shall be performed without a permit issued by the town engineer or his designated agent. Application for permits to perform any work within the public rights-of-way in the town must be submitted in writing by a licensed contractor or governmental agency or public service company or their authorized agent on forms provided for the purpose by the town engineer. No permit for excavation shall be issued until the applicant provides a ticket number issued by the state "Call Before You Dig" agency. No work shall be commenced or be continued unless the permit is in possession of the permittee or his agent at the location of the work. Permit fees shall be in accordance with the following schedule:

- (1) Any work requiring excavation within a public right-of-way: a fee as listed in the town fee schedule for each opening of twenty-five (25) feet or less in length plus a fee as listed in the town fee schedule per linear foot of openings longer than twenty-five (25) feet.
- (2) For all other permits a fee as listed in the town fee schedule.
- (3) Failure to obtain a permit prior to commencing work for which a permit is required under the provisions of this chapter, excluding any emergency work, shall result in the imposition of a late fee in the amount listed in the town fee schedule in addition to the fees described in this section.

(Ord. No. 6-91, § I(J), 8-27-1991)

Secs. 14-39—14-40. Reserved.

Part C. - Excavations and Construction

Sec. 14-41. Permits; to whom issued.

No person other than a contractor licensed under this chapter, or governmental agency or public service company, shall be issued a permit to excavate in any town-owned right-of-way.

(Ord. No. 6-91, § II(A), 8-27-1991)

Sec. 14-42. Notification of police and fire department.

The permittee shall notify the police department and the fire department by calling the police department, twenty-four (24) hours prior to making any excavation which requires blocking more than fifty percent (50%) of the width of the street. If the excavation or other repair work planned shall cause the traffic in the highways of the town to be reduced to one-way traffic, then in that event, the permittee during working hours shall be required to have at least one (1) or more flagmen, as determined by the town engineer, to control such traffic while one-way traffic is in effect.

(Ord. No. 6-91, § II(B), 8-27-1991)

Sec. 14-43. Tunneling and bracing.

Excavation shall be made in open cut and no tunneling will be allowed except by special permission of the town engineer or his designated agent and under such additional conditions as he may impose. Trenches shall be braced and sheeted as required by federal and state regulations or whenever, in the opinion of the town engineer, such bracing and sheeting are necessary.

(Ord. No. 6-91, § II(C), 8-27-1991)

Sec. 14-44. Maximum width of cut.

No permittee shall make a trench cut of over thirty (30) inches in width without first obtaining permission from the town engineer or his designated agent.

(Ord. No. 6-91, § II(D), 8-27-1991)

Sec. 14-45. Public safeguards and traffic control during construction within public rights-of-way.

- (a) When any excavation, construction or repair of any highway, road, street, sidewalk, or other work such as overhead utility lines, tree trimming, etc., creates or may create a hazard to vehicular or pedestrian traffic, or in any way causes or may cause a hazard to public safety, the person engaged in any such activity must provide at his expense adequate protection as the board of police commissioners, or its designee, hereafter referred to as the "traffic authority," may require after consultation with the town engineer.
- (b) All excavated material shall be compactly piled and shall not interfere with public travel to any greater extent than necessary. Adequate protection of such excavated material shall be provided by the permittee/contractor in accordance with this chapter.

- (c) If the traffic authority determines that the site may be adequately protected by placement of barricades, the person engaged in any such work shall provide such barricades and barricade warning lights as the traffic authority shall require. All barricades and barricade warning lights shall comply with the standards of the most recent edition of the "Manual on Uniform Traffic Safety Control Devices for Streets and Highways."
- (d) If the traffic authority determines that the public safety requires the use of a flagman, the permittee/contractor shall provide a flagman, who must be equipped as directed by the traffic authority, whose sole function shall be to control vehicular and pedestrian traffic during all hours when work is being done or when a hazard to such traffic or public safety exists.
- (e) If the traffic authority determines that the site creates such a hazard as to require the use of a police officer, the person engaged in such work shall utilize members of the town police department, and the expense of such officer shall be paid by the person engaged in such work.
- (f) If no member of the town police department or those other police departments with which the town has mutual aid agreements are available to provide traffic control at such work sites, the permittee/contractor shall provide a flagman in accordance with this chapter.
- (g) When a flagman has not been provided and a hazard to pedestrian and vehicular traffic does exist, the traffic authority shall order the excavation or construction closed and made safe until adequate police protection or a flagman has been provided.
- (h) The provisions of this part shall not apply to the town which shall utilize trained town employees in all such instances.
- (i) Any persons(s), firm, corporations, partnership, limited liability company or other entity which violates any provision of this section shall be fined as listed in the town fee schedule and each day that the violation exists or continues shall be deemed a separate offense.

(Ord. No. 6-91, § II(E), 8-27-1991; Ord. No. 5-97, 8-19-1997)

Sec. 14-46. Backfill of trenches.

- (a) All trenches in hard-surfaced or paved areas will be carefully backfilled, well-compacted and then provided with a temporary surface consisting of four (4) inches of processed aggregate and capped with two (2) inches of bituminous concrete. Acceptable bank run gravel shall be used for all backfilling of trenches or other excavation subjected to vehicular traffic loadings. In areas where trenches or other excavations are not subject to vehicular traffic, excavated material may be used as backfill if, in the opinion of the town engineer, the material is suitable for such purpose.
- (b) All backfill shall be thoroughly compacted by means of mechanical rammers, vibrators, or by pneumatic tampers, which equipment and method will be approved by the town engineer prior to backfilling. Compaction of trench backfill by puddling in lieu of mechanical compaction is permissible only upon specific approval of the town engineer. The trench surface will be maintained for a period of six (6) months minimum, with a temporary patch of Connecticut Highway class bituminous concrete. If class two (2) bituminous concrete is not available Connecticut Highway class five (5) mix shall be used. The bituminous material shall be placed and compacted to provide a smooth surface across the trench matching the adjoining road grade and elevation.

(Ord. No. 6-91, § II(F), 8-27-1991)

Sec. 14-47. Maintenance.

Upon completion of trench backfill and temporary treatment, the permittee will be required to maintain the trench for a minimum period of six (6) months. During this period the permittee shall inspect the trench at such regular intervals as may be necessary to maintain the trench in satisfactory condition. The permittee shall make necessary repairs to maintain the trench in satisfactory condition, and, if the permittee fails to make such repairs, the town may make such repairs as are deemed necessary and the permittee shall pay the cost of this work. Failure on the part of the town to give notice that repairs are needed shall not relieve the permittee of any of the duties set forth in this section.

(Ord. No. 6-91, § II(G), 8-27-1991)

Sec. 14-48. Pavement replacement.

- (a) At the completion of the six (6)-month (minimum) maintenance period, the permittee shall replace the temporary pavement with a permanent base and surface course. This permanent patch will consist of a three (3) inch thick class two (2) bituminous concrete surface, placed in two (2) courses over a four (4)-inch processed aggregate base. If the existing base and pavement are of a greater depth than the minimum specified, the permittee shall restore them to the actual depths encountered.
- (b) Prior to resurfacing, the permittee will square cut the existing pavement and base to a line six (6) inches from the excavated area and remove temporary surfacing and unsuitable base material from this area. Cut edges will be thoroughly coated with bituminous emulsion prior to paving to provide an adequate seal. Where the existing road surface consists of pavements installed within five (5) years prior to the date of the permit, the permanent surface restoration shall be by capping the full roadway width or by use of infrared heating, as directed by the town engineer, so that no visible seam will result.
- (c) All placement of surfacing and base shall be to the satisfaction of the engineer with regard to material and method of construction.
- (d) All improvements and ground surfaces such as lawns, sidewalks, curbs, merestones, signs, mailboxes, unpaved crosswalks, driveways, walls, fences, guardrails, and similar structures which are in any way disturbed by the work shall be replaced by the permittee to as good a condition as existed when the work began. The permittee shall supply new material to replace that which is lost or damaged. Curbs and sidewalks rebuilt or relaid by the permittee shall conform in all respects to the requirements and specifications of the town.

(Ord. No. 6-91, § II(H), 8-27-1991)

Secs. 14-49—14-50. Reserved.

Part D. - Driveways

Sec. 14-51. Permits; to whom issued.

Except as exempted in § 14-57, no person other than a contractor licensed under this chapter shall be issued a permit to construct, surface, or resurface a driveway, paved or otherwise, or to install, regrade, or repair lawns, walks and other surfaces, or to install or repair walls or fences

within the public rights-of-way of the town. Minor repairs and improvements by a property owner are exempt from licensing requirements; however, a permit shall be required.
(Ord. No. 6-91, § III(A), 8-27-1991)

Sec. 14-52. Grade.

After obtaining a permit and before commencing operation in the public right-of-way, a grade line shall be obtained from the town engineer or his designated agent.
(Ord. No. 6-91, § III(B), 8-27-1991)

Sec. 14-53. Width.

No residential driveway over twenty-five (25) feet exclusive of flares shall be constructed and no public or commercial driveway of over thirty (30) feet shall be constructed without prior approval from the town engineer.
(Ord. No. 6-91, § III(C), 8-27-1991)

Sec. 14-54. Number and separation distance.

Approval must be obtained from the town engineer to install more than two (2) driveways on one (1) piece of property. No two (2) driveways either on the same or adjoining property shall be closer than eight (8) feet, except where approved by the town engineer.
(Ord. No. 6-91, § III(D), 8-27-1991)

Sec. 14-55. Location.

No driveway shall be authorized within twenty (20) feet of the nearest street line of an intersecting road, or within ten (10) feet of a public crosswalk. No driveway apron shall extend into the street further than the gutter line.
(Ord. No. 6-91, § III(E), 8-27-1991)

Sec. 14-56. Waiver.

Where a driveway, or other improvements within a public right-of-way, are to be permitted at other than the standard location or grade, prior to issuance of the permit, the property owner shall sign a waiver form provided by the town engineer concerning the nonstandard improvements. The waiver form shall be recorded in the town land records.
(Ord. No. 6-91, § III(F), 8-27-1991)

Sec. 14-57. Drainage.

Where, in the opinion of the town engineer or his designated agent, roadside drainage conditions require a culvert under a proposed driveway, sidewalk, or other improvements, or requires modifications to all existing drainage systems, such culvert and/or modifications shall be installed to town standards by the permittee where and as approved by the town engineer or his agent, at no cost to the town.
(Ord. No. 6-91, § III(G), 8-27-1991)

Secs. 14-58—14-60. Reserved.

Part E. - Moving Buildings²

Sec. 14-61. Permits; to whom issued.

No person other than a contractor licensed under this chapter, shall be issued a permit to move a building or structure weighing more than two thousand (2,000) pounds over a public right-of-way. Such contractor shall be an approved contractor regularly engaged in the business of moving buildings and structures.

(Ord. No. 6-91, § V(A), 8-27-1991)

Sec. 14-62. Responsibility.

The moving contractor will be responsible for all damages to street pavement, curbs, gutters, drains, culverts, traffic signs, guardrails, bridge structures and any other town-owned property in the public right-of-way, caused by such moving. Any such damage shall be repaired or replaced, work therein to commence within twenty-four (24) hours from the time of damage and to be prosecuted expeditiously. If the town engineer so deems it necessary in the interest of public safety, the repair work shall be commenced before such twenty-four (24) hours. Any repair work not commenced within the time limit or not diligently pursued may be completed by the town and the contractor shall be liable for the entire cost.

(Ord. No. 6-91, § V(B), 8-27-1991)

Sec. 14-63. Trees.

Any trees in the public right-of-way that must be removed or trimmed to make way for the building or structure shall be removed or trimmed in accordance with the instructions outlined in part F of this article.

(Ord. No. 6-91, § V(C), 8-27-1991)

Sec. 14-64. Removal of public property.

The superintendent of the highway department shall be notified a minimum of forty-eight (48) hours in advance of moving such structure if it becomes necessary to remove any public property, and the work of removal of any public property shall be performed by the highway department of the town, and the entire expense shall be paid by the contractor.

(Ord. No. 6-91, § V(D), 8-27-1991)

Sec. 14-65. Notification of fire department.

The fire department shall be notified through the chief, or his authorized representative, of the particular fire zone within which the move is taking place at least forty-eight (48) hours before the contemplated removal. If a traffic director is required he shall be provided by the town police department at the expense of the contractor.

(Ord. No. 6-91, § V(E), 8-27-1991)

² **Cross references**—Buildings and building regulations, chapter IV; environment, chapter VII of this code book.

Sec. 14-66. On highway at night.

No building or structure being moved shall be left on the street overnight except in an extreme emergency and then only with the permission of the town engineer and under such conditions as he may impose.

(Ord. No. 6-91, § V(F), 8-27-1991)

Secs. 14-67—14-70. Reserved.

Part F. -Trees

Sec. 14-71. Permits; to whom issued.

No person other than a licensed contractor shall be issued a permit to remove or trim trees in any public right-of-way. Such contractor shall be an approved contractor regularly engaged in the business of removing or trimming trees. Trees may be removed or trimmed by the town highway department without a permit. No permit shall be required by any property owner to do any minor trimming of any trees abutting his property, provided that he first secures permission of the tree warden, or his designated agent.

(Ord. No. 6-91, § VI(A), 8-27-1991)

Sec. 14-72. Responsibility.

No tree in any public way shall be removed or trimmed unless approved by the tree warden, or his designated agent. The tree warden, or his designated agent, at that time will also decide whether such work will be at the expense of the town or at the expense of any individual or company requesting such work. In general, any trees removed or trimmed for public safety or due to the condition of the trees will be at the expense of the town whereas trees removed or trimmed for the convenience of individuals or companies will be at the expense of that individual or company. The tree warden, or his designated agent, shall determine whether the town highway department or a licensed contractor shall do the work.

(Ord. No. 6-91, § VI(B), 8-27-1991)

Sec. 14-73. Public safeguards.

All possible precautions shall be taken to protect the public from harm during operations under this part, particularly, but not limited to, in the placing of warning signs during the day and the use of lights on fallen tree sections lying in the public way at night.

(Ord. No. 6-91, § VI(C), 8-27-1991)

Sec. 14-74. Disposition of trees, limbs and branches.

Any tree cut in the public way whether by licensed contractor or town highway department may be disposed of in the town dump. Elm trees having dutch elm disease must be disposed of according to the regulations established by state statutes.

(Ord. No. 6-91, § VI(D), 8-27-1991)

Sec. 14-75. Exemptions.

Public service companies or their employees shall be governed by appropriate sections of state statutes chapter 451, and are specifically exempt from the provisions of this part.

(Ord. No. 6-91, § VI(E), 8-27-1991)

Secs. 14-76—14-80. Reserved.

Part G. - Sidewalks

Sec. 14-81. Permits; to whom issued.

No person other than a contractor licensed under this chapter shall be issued a permit to construct or repair a sidewalk within the public rights-of-way in and out of the town, except nothing in this section shall prohibit a property owner from making a minor or temporary repair.

(Ord. No. 6-91, § VII(A), 8-27-1991)

Sec. 14-82. Specifications.

After obtaining a permit and before commencing operations, specifications shall be obtained from the town engineer, or his designated agent, and all work must be performed in strict conformity to such specifications, which shall set forth the location, type of materials, width and thickness of the sidewalk and method of construction.

(Ord. No. 6-91, § VII(B), 8-27-1991)

Sec. 14-83. Grade.

After obtaining a permit and before commencing operations in the public right-of-way, a grade line shall be obtained from or approved by the town engineer or his designated agent.

(Ord. No. 6-91, § VII(C), 8-27-1991)

Sec. 14-84. Inspection and supervision.

All phases of the work involved in the construction or repair of the sidewalk shall be subject to the inspection and supervision of the town engineer, or his designated agent. Each stage of the construction must be inspected before the next stage is started.

(Ord. No. 6-91, § VII(D), 8-27-1991)

Secs. 14-85—14-90. Reserved.

Article 3. - Drainage

Sec. 14-91. Connection to town drainage system.

- (a) Connections of foundation, cellar or basement drains, roof leaders, or any other surface or subsurface drains, to any storm sewer or drainage system presently under the jurisdiction of the town, or to any system which is proposed to be accepted by the town, shall be made only after approval is granted and a permit is issued by the town engineer or his designated agent.
- (b) Failure to obtain a permit prior to connecting private drains to a storm drainage system within a street or right-of-way proposed for acceptance by the town, shall cause such system, street and/or right-of-way to be unacceptable until such permits are obtained and related waivers provided to the satisfaction of the town engineer.

(Ord. No. 6-91, § IV(A), 8-27-1991)

Sec. 14-92. Permit; to whom issued.

No person other than a contractor licensed under this chapter shall be issued a permit to do any type of surface or cellar drainage work which connects into a storm drainage system maintained by the town, either surface or underground.

(Ord. No. 6-91 § IV(B), 8-27-1991)

Sec. 14-93. Waiver of claim.

No permit shall be issued until the property owner shall have signed a waiver of claim on a form provided by the town engineer relieving the town of all responsibility for any damage resulting from such connection and specifically relinquishing any claim such property owner may otherwise have against the town caused by the backing up of surface water through such storm drainage system. Such waiver shall be recorded in the town land records.

(Ord. No. 6-91, § IV(C), 8-27-1991)

Sec. 14-94. Drainage system to be used.

No permits shall be issued to drain water into an open gutter if an underground drainage system exists in the street abutting the property to be drained, within one hundred (100) feet of such property.

(Ord. No. 6-91, § IV(D), 8-27-1991)

Sec. 14-95. Location of connection.

The location at which a permittee may connect into a public storm drainage system and the details of the connection shall be subject to the approval of the town engineer. No work shall be commenced in any public right-of-way until such approval is granted. Where possible connections shall be made at catchbasins or manholes either existing or, where the connection is larger than eight (8) inches in diameter, to be installed by the permittee.

(Ord. No. 6-91, § IV(E), 8-27-1991)

Sec. 14-96. Street excavation.

If it is necessary to cut any street pavement to make a connection, the backfill and resurfacing will conform to all specifications and regulations as outlined in section 14-41.

(Ord. No. 6-91, § IV(F), 8-27-1991)

Sec. 14-97. Existing connections.

Any private drain emptying into an open gutter where an underground storm drainage system exists, upon order by the town engineer, shall be changed to connect into such underground system; and any property owner shall cease to drain into an open gutter after receiving written notice from the town engineer to discontinue using such open drain.

(Ord. No. 6-91, § IV(G), 8-27-1991)

Sec. 14-98. Foundation cellar and roof leader connections to storm sewers.

- (a) *Application and approval.* Connections to any storm sewers presently under the jurisdiction of the town, or any system which may fall under the jurisdiction of the town, shall be made only after application is made to and approval granted by the town engineer. In the case of a new street, failure to make application to, and gain approval

from the town engineer prior to making connections to the storm sewer, will make such street unacceptable for inclusion in the highway system of the town.

- (b) *Design of the outlet.* The connection for any outlet shall be made into a structure or at the top of the storm sewer pipe. If the connection is made at the top of the pipe it shall be by means of a ninety (90°) degree elbow.
- (c) *Design of the inlet.* The inlet shall meet with the approval of the town engineer and shall conform with the following:
 - (1) The inlet shall be constructed in such a manner that no foreign material, capable of causing an obstruction in the storm sewer, can pass through it.
 - (2) A one-way valve, capable of preventing any liquid in the storm sewer from flowing into the building being drained, shall be installed in a suitable location in the inlet structure.
 - (3) The town engineer may waive §§ (c)(1) and (c)(2) of this section in the case of a drain used solely for a foundation drain or roof leaders.

(Ord. No. 6-91, § IV(H), 8-27-1991)

Sec. 14-99. Noncompliance of property owner.

Any person who shall make any connection into the town drainage system, or to a system proposed to be accepted by the town, without a permit, shall be in violation of this chapter. Any connection made not in compliance with the terms of this chapter shall be corrected within ten (10) days after receiving written notice ordering such correction from the town engineer. If such correction is not made within ten (10) days of notification, the change may be made by the town highway department, and the expense shall remain until paid in full with interest at the rate of one and one-half percent (1½%) per month. A lien upon the property shall be enforced and collected as other liens of the town, provided that the town council shall cause a certificate of lien to be recorded in the town clerk's office within sixty (60) days after the determination of such expense.

(Ord. No. 6-91, § IV(I), 8-27-1991)

Sec. 14-100. Penalties.

Any persons(s), firm, corporations, partnership, limited liability company or other entity which violates any other provision of this chapter shall be fined as listed in the town fee schedule and each day that the violation exists or continues shall be deemed a separate offense.

Secs. 14-101—14-109. Reserved.

Article 4. - Exemption of Municipal Land from Zoning Regulations

Sec. 14-110. Exemption of municipal land from zoning regulations.

Property owned by the town which is utilized to provide or improve emergency or public safety communication services by police, ambulance or fire department personnel shall be exempt from operation of the zoning regulations; however, all structures or uses utilized to provide or improve emergency or public communication safety services by police, ambulance or fire department personnel which do not conform to the zoning regulations must be approved by the town council of the town.

(Ord. No. 17-08, 12-16-2008)