

**ORDINANCE NUMBER ____, SUPPLEMENTAL
AMENDING CHAPTER 214, STREETS AND SIDEWALKS,
ARTICLE II, ENCROACHMENTS AND EXCAVATIONS,
SECTION 214-29, EXCAVATION PERMIT REQUIRED**

WHEREAS, Chapter 214, Article II of the Code of Ordinances contains provisions concerning encroachments on and excavations of streets and sidewalks; and

WHEREAS, the City incurs significant administrative costs in issuing excavation permits; and

WHEREAS, it has been determined that it is in the best interests of the City of Stamford to require a "Special Excavation Permit" prior to work on a road or sidewalk last paved or substantially reconstructed within the past five years;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

Chapter 214, Article II, Section 214-29 of the Code of Ordinances of the City of Stamford is hereby amended as follows:

Sec. 214-29. - Excavation permit required

A. General requirements.

(1) (a) No person except duly authorized officers, agents, permittees or employees of the city shall make any openings or excavation, install or remove curbing and driveways or perform other construction which will alter any sidewalk, street or public square in the city without first having obtained a written permit to do so from the City Engineer.

(b) If the street was paved within the past 5 years, or the sidewalk or public square was constructed or reconstructed within the past 5 years, a Special Excavation Permit must be reviewed and approved by the Director of Operations in addition to approval by the City Engineer. The Director of Operations shall prescribe such rules and requirements for the issuance of a Special Excavation Permit as may be reasonably required.

(2) ~~No person shall begin work under a permit issued by the City Engineer until the street opening permit has been approved by the Director of Operations of the city.~~ The Director of Operations, or his or her ~~designate~~ designee shall require such measures to be performed by the permittee as are necessary in his or her opinion to assure the safe passage of traffic through or around a work area. The Director of Operations, or his or her designee, may require signs, barricades or traffic-men and/or limit the hours of operation of such permitted work to ensure safety and minimize congestion on the streets.

(3) No person shall begin work until each required permit, with applicable conditions, has been issued. Any permit which is ~~exercised~~ issued without ~~such~~ the required approval of the Director of Operations shall be deemed null

- and void, and any violation of regulations imposed on a permit shall be deemed a violation of this section. In the case of a bona fide emergency (e.g., broken gas main, water main, or sewer lateral) on a street or sidewalk where repairs must be made immediately, work may be performed prior to obtaining a written permit; however, the party performing such work must apply for a permit as soon as it is practical to do so.
- B. Every construction permit shall state the purpose of the proposed construction, the location thereof, the name of the person to whom it is issued and other information deemed necessary by the City Engineer.
- C. Every permit issued under the provisions of this section shall expire on a date set by the City Engineer. All excavations or other work under this permit shall be properly backfilled, compacted and repaired before the expiration date in accordance with standards and specifications as issued by the City Engineer.
- D. The City Engineer shall charge a minimum fee of two hundred and fifty dollars (\$250.00) per permit for every "standard utility street opening" or excavation permit. Pursuant to its authority under Section C2-10-2 of the City Charter, the Board of Representatives may amend this fee, or impose other administrative fees and charges related to street opening or excavation permits, by resolution.
- E. Each violation of any provision of this section shall constitute a separate offense. All persons, as principals, agents or permittees, causing, participating in or in any way responsible for any violation of this section, shall be severally ~~guilty of~~ liable for such violation and shall each be fined not less than four (4) times the normal permit fee. Additionally, in the event permanent repairs required by the permit and any associated permit extensions periods, if applicable, have not been completed by the expiration date of the permit and associated extension periods, the City reserves the right to complete the project and bill the permit holder for all of the City's direct and indirect costs and expenses, plus additional administrative fees. ~~or trenches are not backfilled properly and properly maintained with temporary asphalt, the permittee shall be fined at a rate equal to ten percent (10%) of the specific permit fee per calendar day and no additional permits shall be issued to the offender until the existing condition is rectified to the satisfaction of the City Engineer.~~ Failure to comply with specified requirements may, at the discretion of the Director of Operations, result in revocation of any existing permits, and ~~no further~~ denial of new permits shall be issued for ninety (90) days for the first offense, one (1) year for the second offense and the third offense may result in permanent denial of ~~any street opening~~ future permits. Notwithstanding the foregoing, the fines ~~mentioned stated~~ above still apply shall remain in effect.
- F. No permit shall be granted under the provisions of this section until fees on all permits previously issued, together with charges for street or sidewalk repairs in connection with such permit, shall have been paid.

- G. On those occasions upon which a permittee is obligated to permanently pave a roadway, the permittee shall ~~have~~ fully complied with all of the requirements of the City's "Street Opening Restoration Area Guidelines." Failure to so comply shall constitute a violation of this section.