

# *Town of Franklin*

## *Ordinance on Encroachment Permits*

### **GENERAL:**

Any and all work performed within the established or assumed Right-of-Way (ROW) along any Town Road by any Contractor, Individual, or Utility Company shall require an Encroachment Permit before work can start. Work is defined as any excavation within the pavement or shoulder area. Placement of any Utility Company poles is included in the definition of work. All Public Utilities are not exempt from the requirement to obtain an Encroachment Permit, however, they may be exempt from payment of an application fee at the discretion of the First Selectman. However, the requirements for bonding and insurance shall not be waived.

### **PERMIT APPLICATION:**

An application for a Permit shall be completed by a person empowered to make such application by the firm applying. All bonds and insurance required must be either already on file at the Town Hall or submitted with the application before a Permit can be issued. A copy of the application form is attached as part of this Ordinance. The Permit Application Fee payable to the Town of Franklin shall be \$100.00.

### **BONDING:**

The amount of the bond required shall be determined based upon the scope of the work proposed, but shall not be less than \$5,000.00. The bond can be in the form of cash, or an insurance bond, suitable to the Town of Franklin. Estimating the actual bond shall be the responsibility of the First Selectman, who may also seek and rely on recommendations provided by the Town's Engineer and/or Road Foreman.

### **INSURANCE:**

The applicant shall provide the Town documentation of the following insurance requirements:

- A) **WORKERS COMPENSATION INSURANCE:** With respect to all operations s/he performs and all those performed for him/her by Subcontractors, the Contractor shall carry workers' compensation insurance in accordance with the requirements of the laws of the State of Connecticut.
- B) **CONTRACTOR'S PUBLIC LIABILITY & PROPERTY DAMAGE INSURANCE:** With respect to the operations s/he performs and also those performed for him/her by Subcontractors, the Contractor shall carry regular Contractor's Public Liability insurance providing for a total limit of \$750,000.00 for all damages arising out of bodily injury to or death of all persons in any one accident or occurrence, and for all damages arising out of injury to or destruction of property in any one accident or occurrence, and, subject to that limit per accident, a total (or aggregate) limit of \$1,500,000.00 for all damages arising out of bodily injuries to or death of all persons in any one accident or occurrence, and out of injury to or destruction of property during the policy period. The operation of all motor vehicles, including those hired or borrowed, used in connection with the contract shall be covered by Automobile Liability Insurance in the following amounts: insurance providing for a total limit of \$500,000.00 for all damages arising out of injury to or destruction of property, in any one accident or occurrence, and subject to that limit per accident, a total (or aggregate) limit of \$1,000,000.00 for all damages arising out of bodily injuries to or death of all persons in any one accident or occurrence and out of injury to or destruction of property during the policy period.
- C) **PROTECTIVE LIABILITY INSURANCE FOR AND IN THE NAME OF THE TOWN:** With respect to the operations the Contractor performs and also those performed for him/her by any Subcontractors, the Contractor shall carry for and on behalf of the Town of Franklin insurance providing for a total limit of \$750,000.00 for all damages arising out of bodily injuries to or death of all persons in any one accident or

occurrence, and for all damages arising out of injury to or destruction of property in any one accident or occurrence, and subject to that limit per accident, a total (or aggregate) limit of \$1,500,000.00 for all damages arising out of bodily injuries to or death of all persons in any one accident or occurrence and out of injury to or destruction of property during the policy period.

- D) **BLASTING:** When explosives are to be used in the prosecution of the work, the insurance required under Paragraphs A, B, and C above shall also contain provisions for protections in the amounts stated, against damage claims due to such use of explosives.
- E) **TERMINATION OR CHANGE OF INSURANCE:** Each insurance policy shall be endorsed to provide that the insurance company shall notify the Town by certified mail at least thirty days in advance of termination of or any change in the policy. No change shall be made without prior written approval of the Town.

**PERMIT DURATION:**

Any Permit shall expire twelve months after the issue date.

**PENALTIES:**

Any Contractor, Individual or Utility that does work (as defined above) within any Town Road ROW without a Permit shall be subject to a fine of \$50.00 per occurrence. An occurrence is defined as each day, or fraction thereof, that work is performed without a Permit.

**INSPECTIONS:**

It is the responsibility of the Permit Holder to contact the Town five working days prior to the start of work so that an inspection of the work can be scheduled.

**CONSTRUCTION SPECIFICATIONS:**

- A) **TRENCH REQUIREMENTS:** When working within the pavement of a Town road, the initial pavement cut shall be made with a saw or jack-hammered. Once the work is complete within the trench, the pavement shall be saw-cut, prior to placing bituminous concrete within the area, if the initial cut was jack-hammered. The trench backfill material shall be subject to approval by the Town and shall be compacted in maximum of 6-inch lifts for small widths or 12-inch lifts for widths wide enough for a vibratory roller. Typical patch details are included in these procedures and shall be the basis for any work within a Town ROW. The trench repair shall be maintained by the Permit Holder for a period of six months, or at the end of one winter/spring cycle, at which time the Permit Holder shall saw-cut one foot beyond and around the entire circumference of the initial trench repair and remove all bituminous concrete within that area. The edges of the remaining bituminous concrete shall have a tack coat applied, and the new bituminous concrete placed within the trench to the depth of the original pavement thickness, or a minimum of two inches, whichever is greater.
- B) **TRAFFIC CONTROL:** It is the responsibility of the Permit Holder to provide dedicated traffic control personnel whenever machinery or personnel are on the roadway. These personnel shall be trained in the proper techniques of traffic control as indicated in the Manual of Uniform Traffic Control Devices Millennium Edition, or any new update.
- C) **RESTORATION:** The Permit Holder shall be responsible for restoring any non-pavement areas which were disturbed by the work or storage of equipment and material, or damage caused by their equipment and/or personnel. This restoration shall include, but not be limited to, grading, topsoil, fertilizing, seeding, mulching, or sodding, to bring the disturbed areas to the same condition as it was before the disturbance, including installation and maintenance of necessary soil and erosion control measures, including any additional measures requested by the Town.
- D) **CONTROL OF THE WORK:** Control of the work shall be the responsibility of the Permit Holder and shall be in accordance with current Town specifications and requirements.
- E) **ROAD CLOSURES:** Closures of any roads shall be avoided if possible. Any road closure shall have prior approval of the First Selectman, and notification shall have been given to the public at least five days prior to the closure. Signs notifying the traveling public shall

be placed in conformance with Town requirements and consistent with the Manual of Uniform Traffic Control Devices Millennium Edition, or any amendment made thereto.

**EROSION AND SEDIMENTATION CONTROL:**

The Permit Holder shall be responsible for keeping the work site from creating erosion and sedimentation problems at the work site and the area around the work site. Sediments shall not be allowed to be deposited beyond the work site and shall be cleaned up from the work site before the work is completed. Proper erosion and sedimentation control measures shall be employed and shall conform to the Guidelines for Soil Erosion and Sedimentation Control-Connecticut, published by the Connecticut Council of Soil and Water Conservation, latest edition, and to the Town's Regulations, and to current best management practices. Ethics Commission shall provide advisory opinions of ethical questions under the following conditions:

**EFFECTIVE DATE:**

This Ordinance shall be effective and applicable on June 19<sup>th</sup>, 2002.

**VALIDITY:**

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause, or provision so adjudged, and the remainder of this ordinance shall remain in full force and effect.

*APPROVED AT TOWN MEETING LEGALLY WARNED AND HELD ON MAY 30<sup>TH</sup>, 2002.*

*PUBLICATION DATE: June 4<sup>th</sup>, 2002*

*EFFECTIVE DATE: June 19<sup>th</sup>, 2002*

