

## DIVISION 3. - PERMITS

**Sec. 66-61. - Required.**

No person shall perform any construction work within any town street or right-of-way without first applying for and obtaining a permit from the town as provided for within this division.

(Code 1986, § 17-54)

## Sec. 66-62. - Application; contents.

- (a) No permit shall be issued unless a written application for the issuance of such permit has been submitted to and approved by the town, upon a form that has been furnished by the town. The written application shall state the name and address of the applicant; the nature, location and purpose of the work; the commencement date; the estimated date of completion; and other such information as may be required by the town.
- (b) The application shall be accompanied by plans showing the location and extent of the proposed work, the dimensions and elevations of all pertinent existing and proposed features, and other such information as may be required by the town. The town has published a document entitled "Infrastructure Improvements—Required Submittals, Plans and Supporting Documentation" which establishes the general requirements for any information to be attached to the application. It shall be the responsibility of the applicant to ensure that he has a copy of and has read and understood the latest version of this document.

(Code 1986, § 17-55)

## Sec. 66-63. - Fee.

A permit fee shall be paid to the town at the time of application as a condition of obtaining a permit to work within any street. The amount of the permit fee shall be as shown on the approved schedule of rates and charges filed with the town clerk. This fee shall be for this particular permit only, and shall be nonrefundable.

(Code 1986, § 17-56)

## Sec. 66-64. - Unauthorized construction.

An administrative fee in the amount shown on the approved schedule of rates and charges filed with the town clerk, in addition to the regular permit fee, shall be assessed upon the issuance of a cease and desist order related to construction work without prior authorization in the form of a permit from the town.

(Code 1986, § 17-57)

## Sec. 66-65. - Emergency action.

If an emergency in which a sewer, main conduit or utility in or under any street breaks, bursts or otherwise is in such condition as to immediately endanger the property, life, health or safety of any individual, the person owning or controlling such sewer, main, conduit or utility, without first applying for and obtaining a permit required by this division, shall immediately take proper emergency measures to cure or remedy the dangerous conditions for the protection of property, life, health and safety of individuals. All emergency work shall be reported to the highway division or police department immediately. Such person owning or controlling such facility shall apply for a permit not later than the end of the next succeeding day during which the highway and facilities manager's office is open for business, and shall not proceed with permanent repairs without first obtaining a permit required by this division. A failure to comply with this section shall be considered as an unauthorized construction.

(Code 1986, § 17-58)

## Sec. 66-66. - Surety.

- (a) Every person making application for a permit to perform construction work within a town street or right-of-way shall furnish surety to the town. The amount of the surety shall be an amount equal to the value of the proposed construction as approved by the town. By the applicant filing and the town accepting such surety, the applicant shall be obligated to faithfully perform such work in all respects and replace, repair, and reconstruct that portion of any town street or right-of-way in which such applicant and his servants or agents shall perform any construction work to as good a condition as that which existed prior to the commencement of such work. The town reserves the right to waive the requirements of this section depending on the scope of the proposed work.
- (b) The required surety must be: Conditioned upon the permittee's compliance with this article and to secure and hold the town and its officers harmless against any and all claims, judgements or other costs arising from the construction and other work covered by the permit or for which the town, the town council, or any town officer may be made liable by reason of any accident or injury to persons or property through the fault of the permittee either in not properly guarding the construction area or for any other injury resulting from the negligence of the permittee, and further conditioned to fill up, restore and place in good and safe condition as near as may be to its original condition, and to the satisfaction of the town, all openings and excavations made in streets, and to maintain any street where construction is made in as good condition for the period of 24 months after the work shall have been done, usual wear and tear excepted, as it was in before the work shall have been done. Any settlement of the surface within the two-year period shall be deemed conclusive evidence of defective backfilling by the permittee.
- (c) Recovery on such surety for any injury or accident shall not exhaust the surety, but it shall in its entirety cover any or all future accidents or injuries during the construction work for which it is given. In the event of any suit or claim against the town by reason of the negligence or default of

the permittee, upon the town's giving written notice to the permittee of such suit or claim, any final judgement against the town requiring it to pay for such damage shall be conclusive upon the permittee and his surety.

(Code 1986, § 17-59)

Sec. 66-67. - Cash deposits.

(a) *Generally.*

- (1) The application for a permit to perform construction work under this division shall be accompanied with a refundable cash special deposit, made to the town for deposit with the town treasurer, in a sum equal to \$500.00 per permit. No deposit shall be less than \$500.00.
- (2) Any person intending to make openings, cuts or excavations in streets for main line utilities or service connections shall make and maintain with the town treasurer a general deposit in the sum equal to \$25.00 per linear foot of excavation as determined from plans submitted, and the person so depositing shall not be required to make the \$500.00 special deposit provided in this section but shall, however, be required to comply with all other applicable provisions of this division.
- (3) Any special or general deposit made under the provisions of this section shall serve as security for the repair and performance of work necessary to put the street in as good a condition as it was prior to the construction or better, if required, and if the permittee fails to make the necessary repairs or to complete the proper refilling of the opening and the construction work under the permit.
- (4) Upon the permittee's completion of the work covered by such permit in conformity with this division as determined by the highway and facilities manager, two-thirds (general deposit) of such general cash deposit shall be promptly refunded by the town to the permittee, and the balance shall be refunded by the town to the permittee upon the expiration of such 24-month period. Upon the permittee's completion of the work covered by such permit (special deposit) in conformity with this division as determined by the highway and facilities manager, one-half of such special cash deposit shall be promptly refunded by the town to the permittee and the balance shall be refunded by the town to the permittee upon the expiration of a three-month period.
- (5) If the town should need to use any or all of the deposit (special or general) as provided for in this section, then the permittee shall immediately post such further sum as may be required to restore such deposit to its original amount.

(b) *Public utilities.*

- (1) Public utilities maintaining lines in the town shall make one special deposit of \$500.00 with the town treasurer to serve as security for the repair and performance in respect to all construction in the streets of the town made by that utility.

- (2) The general deposit requirement of \$25.00 per linear foot shall not apply to utility companies installing or extending their main line distribution system. All the other terms and conditions of this division shall apply to utility companies.

(Code 1986, §§ 17-60, 17-61)

Sec. 66-68. - Utility main extensions.

- (a) Permit applications for street openings for all utility main extensions including, but not limited to, water, gas, sanitary sewer, storm drains and underground telephone, electric and cable television/communications shall be filed with the highway and facilities maintenance division 15 days in advance of the anticipated start date for construction.
- (b) The town reserves the right to approve of the final layout/location of all utility extensions.
- (c) The permittee shall place color-coded marking tape at least 18 inches below the final street grade, with such tape being at least one foot above all underground utility lines except for sanitary sewers and storm drains running in straight lines between surface catchbasins, drop inlets or manholes. The tape shall be durable nondegradable plastic, not less than two inches wide by 0.004 inches thick and in the following colors for the particular underground utility:
  - (1) Blue—Water.
  - (2) Red—Electric.
  - (3) Yellow—Gas.
  - (4) Orange—Telephone.
  - (5) Green—Sewer.

(Code 1986, § 17-62)

**Cross reference—** Utilities, ch. 78.

Sec. 66-69. - Prompt completion of work.

The permittee shall prosecute with diligence and expedition all construction work covered by the permit and shall promptly complete such work and restore the street to its original condition, or as near as may be, as soon as practicable and in any event not later than the date specified in the permit. Once physically started, such construction work shall continue until completed. If a project should become idle for more than five working days without cause, then the permit shall expire, and a new permit and fee shall be required.

(Code 1986, § 17-63)

Sec. 66-70. - Permit duration.

Should a permit be issued for construction work and should such work not commence within 30 days of the date of issuance, then the permit shall expire and a new permit and fee shall be required.

(Code 1986, § 17-64)

Sec. 66-71. - Notification.

- (a) As a condition of the issuance of a permit required under this chapter, advance notification in writing shall be provided in accordance with the following conditions:
- (1) Notification required under this section shall be the responsibility of and shall be made by the permit holder in the form of either first class mail, or by individual door hanger-style notices. Said notification shall be made not less than 24 hours prior to the first instance of actual work within the affected right-of-way.
  - (2) The notification area shall include, at a minimum, all developed properties on the affected street (defined herein as the street for which the permit is issued), and all properties on abutting streets whose sole means of egress and access is the affected street.
  - (3) Said notification will be required for all utility main extensions, replacements, improvements, new construction, or repairs that require road excavation work, but shall not be required for non-excavation activities such as utility pole work, or individual service connection work by a utility company.
  - (4) The cost of notification shall be borne by the permit holder.
  - (5) A copy of the notification form to be delivered to the affected property owners shall be provided to the department of public works for review and approval prior to the required general delivery.
  - (6) The notification form shall include, but not be limited to, the name of the permit holder and any subcontractors that may be working on the site, routine and 24-hour emergency contact information, a description of the scope of the work, the anticipated duration of the work, and the town permit number.

(Ch. 911, § 1, 6-15-2009)

Secs. 66-72—66-85. - Reserved.