



STATE OF CONNECTICUT – COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

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First Selectman

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MELINDA M. FERRY
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JAMES M. PRICHARD
LORI L. SPIELMAN
JOHN W. TURNER

Scroll down to view the proposed revision to the Ordinance

NOTICE OF SPECIAL TOWN MEETING TOWN OF ELLINGTON

September 21, 2015

Electors and citizens qualified to vote in Town Meetings of the Town of Ellington, Connecticut, are hereby warned that a Special Town Meeting will be held at the Ellington Town Hall, 55 Main Street, Ellington, Connecticut, on Monday, September 21, 2015 at 7:15 p.m. prevailing time to discuss and vote upon the following:

- To approve the revision to the Streets and Sidewalks Ordinance, Re: Right-of-Way Permit
- To approve an additional appropriation in the amount of \$85,100 from the 2015-2016 Unassigned Fund Balance to the Capital Non-recurring Fund for the cost to repair the Hall Memorial Library Roof.

The proposed revision to the Street and Sidewalks Ordinance is available for review in the Town Clerk's Office, First Selectman's Office and on the Town website at ellington-ct.gov.

All interested parties are encouraged to attend.

DATED at Ellington, Connecticut, this 4th day of September 2015.

BY ORDER OF THE BOARD OF SELECTMEN

Maurice Blanchette
First Selectman

Journal Inquirer: September 10, 2015

TOWN OF ELLINGTON ORDINANCE
CHAPTER 154
STREETS AND SIDEWALKS
ARTICLE III – RIGHT-OF-WAY PERMIT

§154-9. Working Within the Public Right-of-Way – Scope and Purpose

It is the purpose of this section to regulate any excavation or placement of obstructions within the limits of the public right-of-way including but not limited to curbs, sidewalks, driveways, drainage installations and to establish responsibility for such excavations and obstructions until they are restored or removed.

§154-10. Permit Required

Except as otherwise provided, no person, firm, corporation, public utility or public agency other than the Town or its agent shall excavate any part of any street or highway under the control of or maintained by the Town, or dig below the surface thereof, or place any obstruction thereon except customary United States Postal Service mailbox(es) and their support(s), or construct a driveway entrance from any street without first obtaining a permit therefore from the Director of Public Works or his authorized representative.

§154-11. Application for Permit

No permit required by Section 154-10 shall be issued until after the receipt of an application, to be made in writing on forms provided by the Director of Public Works and signed by the applicant or his authorized representative.

§154-12. Surety Bond

No permit required under Section 154-10 shall be issued until after the applicant has deposited with the Town a surety bond or other security acceptable to the First Selectman guaranteeing that any excavation or obstruction made under such permit will be restored or removed as required as the case may be without cost to the Town. Such Bond shall be in an amount and for a period of time determined to be appropriate by the Director of Public Works and shall be issued by a surety company licensed to do business in and having a place of business in the State.

§154-13. Liability Insurance

No permit required by Section 154-10 shall be issued until after the applicant has filed with the Town a certificate of insurance naming the Town as an additional insured, in form and amount as determined to be appropriate by the Director of Public Works. Furthermore, the applicant shall indemnify and save harmless the Town, its officers and employees and the Director of Public Works and his agents from all suits and actions of every name and description, including reasonable attorney's fees, brought against the Town or any officer or employee of the Town for or on account of any injuries or damages received or sustained by any persons in consequence of or resulting from any work performed by the applicant, his servants or agents or of or from any act or omission of said applicants, his servants or agents.

§154-14. Fee for Permit

The Board of Selectmen is authorized to set a reasonable fee for permits issued under the provisions of this article and may update the fee as necessary. Such fee shall be waived in the case of any firm, corporation or agency that, by special charter or franchise, is legally authorized, in the course of its normal activities to make excavations or place obstructions in the limits of public highways in the Town.

§154-15. Issuance of Permit

Upon the filing of an application, payment of the required application fee and submission of all required documentation, the Director of Public Works shall cause to be issued, on forms provided by him, a permit specifying the nature and location of the work to be done; the terms and conditions of such work, which terms and conditions shall be based upon the requirements of the public welfare and safety; and the time within which the work is to be completed, which shall not be longer than one year from the date of the permit.

§154-16. Inspection by Director

- (a) The Director of Public Works or his authorized representative is empowered to inspect, or cause to have inspected, at any time any or all work being performed under a permit issued under the provisions of this article.
- (b) If, in the opinion of the Director, the public safety and welfare so warrant, or if the work is not satisfactory or not in accordance with Town standards, he may direct the permittee to restore any excavation or remove any obstruction within 12 hours of such notice; and, if such excavation is not restored or such obstruction removed within that period, he may cause such work to be done, and the permittee shall be responsible for the full expense of such work.

§154-17. Penalty for Violation

The violation of this ordinance shall be unlawful and the fine for such offense shall be not more than \$100. Each day any such violation shall continue shall constitute a separate offense.

APPROVAL RECORD FOR REVISION TO ORDINANCE:

Board of Selectmen Approved for Public Hearing:	March 9, 2015
Public Hearing Notice Published On:	April 8, 2015
Public Hearing Held On:	April 20, 2015
Subsequent Public Hearing Held On:	August 17, 2015
Town Meeting Notice Published On:	September 10, 2015
Approved by Town Meeting On:	
Town Clerk Published Legal Notice upon Passage On:	
Effective Date of Ordinance:	