

- e. Outlet ditches shall be designed so that the velocity of flow will not scour or erode the material. Where excessive velocity is expected riprap or other energy dissipators may be required.
- (l) *Plan-profile drawings.* [2]
- (1) Plan-profile drawings of all proposed roads shall be submitted on plan profile sheets 24 by 36 inches. Plan-profiles shall be at a scale of one inch equals 40 feet in plan, and one inch equals 40 feet horizontal and one inch equals four feet vertical in profile. Elevations shall refer to approximate United States Coast and Geodetic Survey datum. Drawings shall include the following:
 - a. Layout of proposed streets in both plan and profile indicating right-of-way dimensions as shown on the final subdivision plan, width of right-of-way and paving; Existing field elevations and proposed center line grade lines with stations every 50 feet, vertical curve data and percent of grade. North arrow and monumented control points shall be shown with at least two permanent bench marks with elevations indicated.
 - b. Typical cross section of the streets with paving, shoulders, curbs and sidewalks in detail.
 - c. Plan-profile drawings shall also show all utility lines, encroachment lines and all easements for utilities, drainage and other rights-of-way, with location, size and inverts of existing and new culverts, and the entire drainage system.
 - d. If considered advisable by the Director of Public Works or the Planning Commission due to the terrain as determined from contours and the proposed profile showing original and final grades, cross sections of the proposed road shall be furnished indicating the relation of the proposed construction to the adjacent land by the holder of the road permit at intervals of every 50 feet, showing the original ground, top and toe of slopes, culverts or bridges. These sections shall extend at least 40 feet left and right of the center line.
 - e. Where required in the judgment of the Director of Public Works, street intersections shall be developed at a larger scale, showing catch basins, gutter, road center line, curb and sidewalk elevations.
 - (2) All of the above documents shall bear the appropriate seal as recommended by the Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut.
 - (3) The above information shall be submitted for approval to the New Milford Planning Commission in accord with the New Milford Subdivision Regulations and Zoning Regulations.[3] It shall then be referred to the Director of Public Works by the Planning Commission.
 - [3.] *Editor's Note: See Appendix A and Appendix B of this volume.*
 - (4) Upon final approval of the above-listed submissions for any proposed roadway and auxiliary structures, seven copies of said documents will be required for filing by the town.
 - [2.] *Editor's Note: See also Appendix A at the end of this article.*
- (l) *Tributary drainage to a state system.* Where drainage is tributary to a portion of a Connecticut Department of Transportation drainage system, the holder of the road permit shall obtain the approval of the Connecticut Department of Transportation for such drainage and shall submit the approval to the Planning Commission with the other required documents.
 - (k) *Easements.* Permanent easements, of a nature acceptable to the Town Counsel, shall be deeded to the town in all cases where drainage pipes or ditches cross or abut lands other than a street right-of-way. A minimum width of 20 feet shall be required and said easements shall be clearly defined on the final subdivision plan placed on file in the land records.

- (3) Twelve percent perennial rye grass.
- (4) Nine percent Kentucky blue grass.
- (5) Ten percent redtop.
- (6) Two percent white Dutch clover.
- (d) *Gravel subbase for roads.* The subbase shall consist of at least 12 inches of bank-run gravel constructed in accord with state specifications. Where ledgerrock is encountered, it shall be excavated a minimum of 18 inches and backfilled with gravel subbase. The holder of the road permit may be required to have a qualified testing laboratory perform at least three tests or one every 250 feet, whichever is greater. Any deficient area shall be corrected and retested at the expense of the holder of the road permit.
- (e) *Base course for roads.* The base course shall be in accordance with the specifications herein.
- (f) *Wearing surface.* The wearing surface of all roads will be bituminous concrete pavement, constructed in two courses to the thicknesses indicated herein. A minimum thickness of pavement shall be three inches after compaction. A higher-type pavement may be constructed with the permission of the Director of Public Works. No pavement may be installed until approval is given by the Director of Public Works. Any area of a road or driveway found to be deficient in compacted thickness by more than 1/2 inch shall be corrected with a one-inch overlay, provided that an acceptable grade and cross section can be achieved. At the ends of the overlay, the original pavement shall be cut back sufficiently to allow placement of the overlay. Feathering shall not be allowed. The Director of Public Works must be notified a minimum of 48 hours prior to the installation of each course of bituminous concrete and approval received before installation.
- (g) *Drainage.* All drainage pipe shall be at least 15 inches in diameter except as noted below and installed with a minimum cover of three feet or, if less, as required by the gauge or class of pipe with the approval of the Director of Public Works. All installation and construction shall be to the line and grade indicated on submitted drawings. Underdrain pipe and outlets shall be of a size and location as determined by the Director of Public Works. Drainage pipe shall be laid along the greater cut or shallower fill side of the road. Curb-type catch basins, various types of endwalls, CL-type catch basins, manholes, wing-type endwalls and underdrain shall be constructed according to the dimensions, methods and materials shown in detail on Connecticut Department of Transportation Standard Sheets.
- (h) *Inspections; curbing.*
 - (1) After drainage pipe is installed and prior to any backfilling, the subdivider and/or contractor shall notify the Department of Public Works. The Director of Public Works, or his representative, shall meet with the subdivider's and/or contractor's engineer to inspect the drainage. The Director of Public Works shall direct that any required changes be made and shall reinspect the drainage system prior to backfilling. The Director of Public Works shall notify the First Selectman and/or Planning Commission of his inspections.
 - (2) After the fine grading and prior to the application of the first course of bituminous concrete, the subdivider and/or contractor shall notify the Department of Public Works. The Director of Public Works, or his representative, shall meet with the subdivider's and/or contractor's engineer to inspect the roadway. The Director of Public Works shall direct that any required changes be made and shall reinspect the roadway prior to the application of the first course of bituminous concrete. The Director of Public Works shall notify the First Selectman and/or Planning Commission of his inspections.
 - (3) Curbing is required on all roads unless otherwise designated. At the time of this inspection those areas not requiring curbing shall be designated by the Director of Public Works. Curb must be installed prior to the second course of bituminous concrete.

[Ord. of 6-15-1978, § 4]

- (a) *Bank-run gravel.* All material shall conform to the latest Connecticut Department of Transportation Specifications.
- (b) *Monuments.* Monuments shall be set on both sides of all right-of-way lines of streets, all intersections, angle points and points of tangency. Monuments shall be at least 48 inches long and shall be at least four inches square. All monuments may be stone or reinforced concrete. The monuments shall not be set before the final wearing course has been completed, nor shall they be set while the frost is in the ground. They shall be set so that the top is five inches above the finished grade and clearly visible, and they shall be so set and tamped as to prevent shifting. The subdivider's surveyor shall certify that the location of all monuments is accurate before acceptance of the street by the town.
- (c) *Street signs.* Street signs shall conform to the town's standard and shall be installed by the subdivider at his expense.

§ 18-27. Administration.

[Ord. of 6-15-1978, § 5; Ord. of 10-13-2006; Ord. of 12-8-2006]

- (a) *Guaranty bonds.*
 - (1) *Town highway or right-of-way.* All road construction or reconstruction and all excavation on or under a town highway or right-of-way shall be guaranteed by the posting of a performance guaranty bond running in favor of the town or by the presentation of a certified check payable to the town in an amount equal to 100% of the cost of the work. The cost of such work shall be estimated by a licensed professional engineer, and reviewed by the Director of Public Works. For any road improvements performed under contract with the town, such performance guaranty bond or certified check shall be filed with the First Selectman.
 - (2) *Subdivisions.* All road construction, including drainage and other improvements, within a proposed subdivision shall be guaranteed by the posting of a performance guaranty bond in an amount equal to 100% of the cost of the work. Cost estimates shall be submitted to the Director of Public Works and to the Planning Commission for review and approval. The performance guaranty bond shall be filed with the Planning Commission prior to final subdivision approval.
 - (3) All performance guaranty bonds shall be written for a term not to exceed two years as shall be determined by either the First Selectman in the case of work performed on or under a town highway or right-of-way; or by the Planning Commission in the case of work performed within a subdivision. The First Selectman and/or Planning Commission may permit an extension of any performance guaranty bond to allow for the completion of the wearing surface of a road, provided that the surety consents and agrees to such extension. All performance guaranty bonds shall be approved by Town Counsel.
 - (4) After certification by the Director of Public Works that drainage has been installed or a section of the road has been completed and upon the request of the principal, performance guaranty bonds may be reduced with the approval of the First Selectman and/or Planning Commission as the case may be.
 - (5) In the case of road construction, reconstruction and/or excavation on or under a town highway or right-of-way, no performance guaranty bond shall be released until such work has been certified complete by a licensed professional engineer and the town highway or right-of-way has been restored to a condition satisfactory to the Director of Public Works.
 - (6) In the case of road construction, including drainage and other improvements, within a proposed subdivision, no performance guaranty bond shall

- value of the work accepted. The term of this bond shall be one year from the date of final acceptance.
- (2) During the required one-year maintenance period, the subdivider shall, when notified by the Director of Public Works or his agent, promptly, and at the subdivider's expense, repair all defects and/or failures in the construction and operation of roads, structures and appurtenances which may occur during said period. Should the subdivider fail to remedy such defects within a reasonable time, the town may, upon written notice to the subdivider and surety, cause the required repairs to be made and bill the subdivider or surety company for the cost of such repair work.
 - (3) No road bond shall be fully released until the road is accepted by the Town Council and the Planning Commission notified of such acceptance in accordance with the provisions of the Charter. Nothing herein shall impair the right of the Planning Commission to release portions of or reduce the bonds as construction is completed and recommended for acceptance by the Department of Public Works.
 - (g) *As-built drawings.* Upon completion of construction and prior to acceptance or release of performance guaranty, as-built drawings certified by a registered land surveyor shall be submitted for approval in accordance with the requirements of this article. Such drawings shall be in accord with Class A-2 (Connecticut Technical Council), shall be entitled "As-Built" and shall note any deviation from the original plans.
 - (h) *Warranty deeds.* Upon completion of construction and prior to acceptance or release of the performance guaranty bond, a warranty deed or deeds covering all roads and rights-of-way, drainage or other easements shall be granted to the Town of New Milford and delivered to the First Selectman, together with the as-built drawings. The grantor shall also furnish the town with a certificate of title for the land described in the warranty deed acceptable to Town Counsel and signed by a member of the Bar of the State of Connecticut. The standard title of the Connecticut Bar Association shall govern.
 - (i) *Approval and acceptance by the town.*
 - (1) No road shall be accepted by the Town Council unless it has been so inspected, the fees paid and final approval given first by the Department of Public Works and by the Planning Commission. The Department of Public Works shall notify the Planning Commission, Wetlands Officer, Mayor's office and Town Attorney of such final approval before the acceptance is considered by the Town Council.
 - (2) No road shall be accepted into the New Milford road system between November 1 and April 15 of the following year.
 - (j) *Penalties for violation.* In addition to all other legal and equitable remedies available to accomplish enforcement of this article, any person, firm, corporation or agent thereof, violating or assisting in the violation of any of the provisions hereof, shall be fined no more than \$100 for each offense. Each day of violation shall be deemed a separate offense.
 - (k) *Separability.* In the event that any part of this Road Ordinance is found to be invalid or unenforceable by a court of competent jurisdiction, such decision shall be limited to those provisions which are expressly stated in the opinion to be invalid or unenforceable and all other provisions of this article shall continue to be separately and fully effective.
 - (l) *Applicability.* This article shall apply to all roads which are submitted to the town for acceptance except those which have been approved by the Selectmen for construction or are now under construction in accordance with the Road Ordinance of the Town of New Milford, dated June 1, 1962, as amended; and to activities approved under the Ordinance Governing Certain Activities on Town Road, Highway and Sidewalks, dated April 1, 1966.

§ 18-28. through § 18-38. (Reserved)

[Ord. of 3-28-1969, §§ 6, 7]

- (a) In addition to any other penalty provided by law, if any owner or occupant fails to comply with the provisions of §§ 18-40 and 18-42, the Highway Department and its employees may clear snow and ice from such sidewalks. The expense of such clearing shall be a lien upon the premises adjoining and abutting on such sidewalks and the Board of Selectmen may cause a certificate of lien therefor to be recorded in the Town Clerk's office within 60 days after such clearing as provided by the General Statutes.
- (b) The expense of clearing snow and ice by the Highway Department as provided in Subsection (a) of this section and the cost of the lien therefor may be entered in the next succeeding rate bill for taxes against the owner of the premises with the tax assessed upon such premises, and if the expense and the cost of the lien is paid with such taxes, the lien shall be discharged; if not so paid, the lien may be foreclosed in the manner hereinbefore provided.

§ 18-44. Penalty for failure to clear sidewalks.

[Ord. of 3-28-1969, § 5]

Any person who violates or refuses or neglects to comply with the provisions of §§ 18-40 through 18-42 shall be punished by a fine not exceeding \$5 for each violation, and each day of failure to comply with such provisions shall constitute a separate offense.

§ 18-45. Maintenance of sidewalks by abutting owners required.

[Ord. of 3-28-1969, § 9]

Any person owning or occupying any lands in the town in front of which is a sidewalk, either paved of concrete or cement or otherwise constructed to the approval of the proper authorities of the town, shall keep such sidewalk, at all times, in safe condition and repair for the use of the public and free from obstruction and defects.

§ 18-46. Repair of sidewalks by town; collection of costs.

[Ord. of 3-28-1969, § 10]

- (a) If any sidewalk obstruction or defect or the need of repair exists, the Board of Selectmen shall notify the owner, agent or occupant of the abutting premises to remove such obstruction or defect or make such repairs and, if the same are not made within 30 days after such notice, the town may perform the same.
- (b) The expense of such repairs by the town shall be a lien upon such abutting property in favor of the town, which may be continued if a certificate thereof is filed with the Town Clerk within 60 days of the completion of such work, and the same may be collected by the town by any proper form of legal or equitable action.

§ 18-47. through § 18-54. (Reserved)

benefitted by the improvements, and upon the owners of such land and buildings, according to such resolution as the Town Council adopts, subject to any right of appeal allowed by law and subject to any exemptions mandated by law.

§ 18-59. Determination of cost of improvements.

[Ord. of 11-30-1998, § 2]

The Town Council shall ascertain the cost of the improvements and, in ascertaining the cost, shall take into account all costs of construction, including, but not limited to, the cost of construction, land acquisition, cost connected with financing the project, all engineering and legal expenses especially chargeable to the project and any other costs or expenses needed to complete the project or improvement.

§ 18-60. Criteria for determination of assessment.

[Ord. of 11-30-1998, § 3]

Upon determining the amount to be collected pursuant to the assessment, which amount may be a fraction of, but shall not exceed 50% of the cost of the improvement as determined in § 18-59, the Town Council shall assess the benefits upon the properties the Town Council determines are benefitted by the improvement in proportion to the square footage/area of the improvements fronting or bounding the properties to be assessed. The Town Council may make reasonable allowances whenever, for any reason, the particular situation of any property requires an allowance.

§ 18-61. Use of Tax Assessor Maps for measurements.

[Ord. of 11-30-1998, § 4]

For the purposes of any measurements required under these ordinances, the maps of the Tax Assessor of the Town of New Milford shall be deemed applicable and accurate unless shown to be otherwise by a Class A2 survey certified by a registered land surveyor.

§ 18-62. Authority of Town Council to provide for installment payments.

[Ord. of 11-30-1998, § 5]

The Town Council may, by resolution, provide for installment method of payment of any assessment levied hereunder, including the number and duration of payments and interest rate to be charged. The interest rate shall not exceed the rate of interest the municipality is obligated to pay to finance the project or would have had to pay if the project were financed.

§ 18-63. Benefit assessment enactment procedure.

[Ord. of 11-30-1998, § 6]

(a) The Town Council shall fix in the Assessment of Benefits Resolution the due date of assessments made and the manner in which the assessment shall be paid, whether in full or by installment pursuant to § 18-62.

Construct

shall mean the initial building of a driveway.

Driveway

shall mean any area providing for vehicle access to or from a highway.

Reconstruct

shall mean to remove or change the existing surface of a driveway.

Town highway

shall mean any road within the Town of New Milford that has been accepted by the town or may be accepted into the town highway system, regardless of the type of surface of said road.

[1] *Editor's Note: This ordinance also superseded former Article IV, Driveways, derived from Ord. of 5-27-1966.*

§ 18-72. Permit required.

[Ord. of 11-1-1979, § 2]

It shall be unlawful for any person, firm or corporation to hereafter construct, reconstruct or otherwise alter any driveway abutting or intersecting any road which is now or may become part of the town highway before first filing a written application with the office of the First Selectman of the Town of New Milford and receiving a permit therefor. There shall be no charge for said application.

§ 18-73. Contents of application.

[Ord. of 11-1-1979, § 3]

Said application shall contain the property owner's name; the location of the proposed driveway; the materials to be used; the time when the work will commence and the time of completion; and also the party or parties who will perform the work.

§ 18-74. General construction requirements.

[Ord. of 11-1-1979, § 4; Ord. of 7-8-2013]

Any such proposed new driveway abutting a Town highway shall be constructed of a minimum of two inches of bituminous concrete over six inches of gravel or four inches of concrete or of other similar substance in the area from the existing traveled portion of the highway to the property line or to a distance of 30 feet, whichever is greater. The driveway will be constructed in a manner and of materials with sight lines and grade pitch to the satisfaction of the Director of Public Works or his designated representative. The proposed driveway shall be confined between lines projected from the frontage corners of the property perpendicular to the center of the highway, but this requirement may be waived in writing by the Director of Public Works. Notwithstanding the foregoing, bituminous concrete paving shall not be required on a driveway that abuts an unpaved highway that is also designated a scenic road in Code of New Milford § 17A-10, as amended. In all other respects, however, such driveway shall be constructed in conformity to and compliance with the standards and requirements of this article. Should the scenic road that abuts an unpaved driveway be paved at a later date, then and in that event, the owner of the driveway shall, at the owner's expense within 90 days of completion of road paving, pave the abutting driveway area as hereinabove specified and described.

that the permit expires, such cash deposit shall be forfeited to the town. In lieu of requiring a cash deposit, the Director of Public Works may authorize the applicant to post a performance bond with surety in the amount of not less than \$1,000 conditioned upon the completion of the permit work and compliance with this article. When a performance bond is authorized, such performance bond shall be in the form authorized for use by Town Counsel. The surety shall be a company authorized to act as surety by the State of Connecticut and shall be subject to approval by the First Selectman.

§ 18-80. Waiving of deposit or bond.

[Ord. of 11-1-1979, § 10]

The Director of Public Works may waive the cash deposit and/or performance bond requirement for reconstruction or alteration.

§ 18-81. Violations and penalties.

[Ord. of 11-1-1979, § 11]

Any person, firm or corporation who shall violate any of the provisions of this article shall be fined not more than \$25 for each day that said violation exists.

ARTICLE V. Liability for Ice and Snow on Sidewalks

§ 18-82. Adoption of statutory provisions.

[Ord. of 2-8-1988, § 1]

The provisions of Section 7-163a of the Connecticut General Statutes are hereby adopted and are set forth in §§ **18-83** and **18-84** hereof.

§ 18-83. Nonliability of town.

[Ord. of 2-8-1988, § 2]

Notwithstanding the provisions of Section 13a-149 of the General Statutes or any other general statute or special act, the Town of New Milford 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 of New Milford is the owner or person in possession and control of land abutting such sidewalk, other than land used as a highway or street, provided that the Town of New Milford shall be liable for its affirmative acts with respect to such sidewalk.

§ 18-84. Responsibilities and liability of adjacent property owner.

[Ord. of 2-8-1988, § 3]

- (a) 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 or snow on such sidewalk toward the portion of the sidewalk abutting his property as the municipality had prior to the effective date of this article and

STREETS, SIDEWALKS AND PUBLIC PLACES

Division 2. Curbs

- Sec. 17-121. Permits; issuance restricted.
- Sec. 17-122. Grade and lines.
- Sec. 17-123. Curb foundation.
- Sec. 17-124. Backfill.
- Sec. 17-125. Protection from heavy equipment.
- Sec. 17-126. Removing, damaging, etc., without permit prohibited.
- Sec. 17-127. Repair of damaged curbs.
- Secs. 17-128—17-135. Reserved.

Division 3. Drainage Specifications

- Sec. 17-136. Permits—To be issued to licensed contractors only.
- Sec. 17-137. Same—Waiver of claim prerequisite to issuance.
- Sec. 17-138. Location of connection.
- Sec. 17-139. Street excavations.
- Sec. 17-140. Drains prohibited.
- Sec. 17-141. Connections.
- Secs. 17-142—17-150. Reserved.

Division 4. Driveways

- Sec. 17-151. Scope.
- Sec. 17-152. Permits; issuance restricted.
- Sec. 17-153. Grade.
- Sec. 17-154. Width.
- Sec. 17-155. Distance from crosswalk.
- Sec. 17-156. Number and separation distance.
- Sec. 17-157. Location of driveway.
- Sec. 17-158. Extent of driveway.
- Sec. 17-159. Drainage.
- Sec. 17-160. Removal of trees.
- Secs. 17-161—17-168. Reserved.

Division 5. Fences

- Sec. 17-169. Permits; issuance restricted.
- Sec. 17-170. Replacement and repair.
- Sec. 17-171. Private fences.
- Secs. 17-172—17-180. Reserved.

Division 6. Materials Specifications

- Sec. 17-181. Hot asphalt concrete pavement.
- Sec. 17-182. Concrete payment.
- Sec. 17-183. Bank run gravel.
- Sec. 17-184. Processed gravel.
- Sec. 17-185. Culvert pipe.
- Sec. 17-186. Concrete sidewalks.
- Sec. 17-187. Additional specifications.
- Secs. 17-188—17-195. Reserved.

ARTICLE I. IN GENERAL

Sec. 17-1. Duties and responsibilities of town engineer.

The duties and responsibilities of the town engineer, wherever reference is made to such position within this Code or other rules and regulations adopted by the town council or promulgated as administrative regulations by the town manager or his authorized agents, may be carried out by a civil engineer or engineer licensed in the state and as directed and assigned by the public works director.

(Code 1960, § 2441.0)

Sec. 17-2. Acceptance of streets and highways.

(a) *Definitions.* For the purposes of this section, the following definition shall apply:

"*Improved roads*" shall mean roads that comply with the applicable specifications (according to type of road) prescribed by the town for streets and highways in the town. All roads that do not comply with such specifications shall be designated as "unimproved roads."

(b) *Recommendation of planning and zoning commission.* No street or highway shall be accepted as a public highway of the town unless (1) the town council has received a recommendation for such acceptance from the town planning and zoning commission, (2) such recommendation indicates that all conditions imposed by such commission or by the subdivision regulations have been complied with, and that a deed or deeds of such street or highway acceptable to the town have been received, and (3) the town council has approved such an acceptance by a majority vote of its members present at a meeting called for that purpose.

(c) *Unimproved roads.* Whenever the town council shall receive such a recommendation for acceptance of an "unimproved" street or highway as a public highway, the town council shall conduct a public hearing. Notice of the public hearing shall be published at least five (5) days prior to said public hearing in a newspaper having substantial, continuous circulation in the town.

(d) *Improved roads.* No public hearing shall be required for acceptance of an "improved road."

(Code 1960, §§ 2451—2453; Ord. of 7-11-89)

Sec. 17-3. Obstructions.

No person shall place, permit, maintain or allow any obstruction in any street or highway in the town, whether the same or indirectly. For the purposes of this section, obstruction shall mean any foreign matter in a highway or street causing a hazard to users thereof and shall include, but not be limited to, any collection of sand, fill, debris, or other matter to a depth of three (3) or more inches at any point, and a breadth in any dimension of six (6) or more feet measured within the traveled portion of the highway.

(Code 1960, § 2321)

Sec. 17-19. Specifications for type and location of numbers.

(a) Numerals used to indicate the street identification number of buildings shall be located on the exterior front of the building which they identify or on a post, sign, mailbox or other device located between the building and the street. Such numerals shall be at least three (3) inches in height and shall be of a color contrasting with the color of the background material to which they are affixed. When affixed, they shall be positioned not less than four (4) feet nor more than twelve (12) feet from the surface of the ground directly below them. The location and size of such numerals shall be sufficient to assure their legibility when the building which they identify is viewed from one (1) or more points along the centerline of the street on which it fronts between projections of the sides of such building intersecting perpendicularly with such centerline.

(b) If a building is set back more than one hundred (100) feet from the centerline of the street on which it fronts, or if numerals cannot be made legible from such centerline because of obstruction, the foresaid numerals shall be affixed to a post, sign, mailbox or other device which shall be located within ten (10) feet of the driveway entrance to the premises and which shall otherwise conform to the specification herein.

(c) For buildings containing more than three (3) dwelling units which have entrances from interior passageways, numerals shall be affixed within five (5) feet of every door by which the building may be entered. Otherwise the specifications and locations for such numerals shall be as for other buildings.

(d) Residential dwellings that consist of multiple units having different street numbers shall post the range of house numbers per building at a prominent location thereon, consisting of numerals that are no less than six (6) inches in height and of a color contrasting with the color of the background material to which they are affixed, such that the location be visible at least one hundred (100) feet to approaching emergency personnel. In addition, each individual unit shall have at its front and rear entrances a visible number consisting of three-inch numerals in contrast to the background.

(Ord. of 11-9-88)

Sec. 17-20. Penalty.

Whoever shall refuse or neglect to comply with the provisions of this article for more than thirty (30) days after notice, as required in section 17-18, shall be fined ten dollars (\$10.00).
(Ord. of 11-9-88)

Secs. 17-21—17-30. Reserved.

town employees providing the maintenance services. If a private road is not reasonably safe, no maintenance services shall be provided by the town unless the owners of the private road, or owners of property abutting the private road, as the case may be, properly correct the unsafe condition or conditions.

(c) The private roads, or parts thereof, approved for maintenance shall be shown on a map which shall be available for public inspection in the town clerk's office.

(Ord. of 11-23-82)

Sec. 17-33. Maintenance services to be provided.

(a) Notwithstanding maintenance provided to private roads under the former ordinance, maintenance services provided under section 17-32 of this article shall be limited to the following services:

- (1) Snow plowing and ice sanding;
- (2) Sweeping;
- (3) Surface patching;
- (4) Oiling and incidental sanding;
- (5) Installation and maintenance of any official traffic-control devices and street signs as defined in G.S. § 14-297, which are approved by the traffic authority.

(b) If the town considers it necessary to public safety or otherwise desirable to provide additional work, services or improvements to roads approved for maintenance under section 17-32 of this article such work, services or improvements may be provided by the town or its designees provided an agreement is executed between the town and the owners of the land upon which the road rests, or which the road benefits, concerning the work, services or improvements. The town may decline to provide additional work, service or improvements unless the agreement apportions costs among the parties.

(Ord. of 11-23-82)

Sec. 17-34. Acceptance for maintenance not to be construed as acceptance as public highway.

Approval of a private road for maintenance, improvement or hard-surfacing under section 17-32 of this article and/or approval of additional work, services, or improvements under section 17-33 shall not be considered acceptance of that road as a public highway.

(Ord. of 11-23-82)

Sec. 17-35. Planning and zoning.

Nothing in this article shall be construed to modify or change any of the requirements laid down by the town plan and zoning commission and approved by the town for the acceptance of new roads as public highways.

(Ord. of 11-23-82)

Cross reference—Plan and zoning commission, § 15-36 et seq.

and all work must be performed in strict conformity to such specifications, which shall designate the location, types of materials, width, thickness of the sidewalk and methods of construction.

(Code 1960, § 2307.2)

Sec. 17-48. Grade.

After obtaining a permit to construct, repair or replace a sidewalk and before commencing operations, in the public right-of-way, a grade line shall be obtained from or approved by the town manager or his designated agent, provided that no grade line shall be necessary where minor repairs or slab replacement is performed.

(Code 1960, § 2307.3)

Sec. 17-49. Inspection.

Annually, or at more frequent intervals, the town manager shall cause all existing sidewalks fronting on town roads to be inspected to determine whether any such sidewalk, or any part thereof, is in need of repair or replacement in order to make it safe for public travel.

(Code 1960, § 2351.1; Ord. of 7-10-61; Ord. of 12-8-69)

Sec. 17-50. Repairs.

Whenever the town manager or his agent determines that any such sidewalk described in section 17-49, or any part thereof, is in need of repair or replacement, he shall cause the same to be repaired or replaced as needed.

(Code 1960, § 2351.2; Ord. of 7-10-61; Ord. of 12-8-69)

Sec. 17-51. Construction.

(a) *Order.* The town council may, after hearing as herein provided, upon finding that it will serve public necessity and convenience, order the town manager to install or cause to be installed along all or part of any street or highway in the town sidewalks of such dimensions, styles, kinds, forms, materials, at such grades and in accordance with such other specifications adopted by the town council.

(b) *Notice.* Notice of such order shall be given to the owner or owners of the abutting land within ten (10) days after the same has been made by mailing a copy of the same to the last known place of abode of such owner or owners or by leaving a copy of the same with the agent or person having charge of or occupying such land.

(c) *Hearing.* Before making such an order, the town council shall cause notice of the time and place of a hearing relative to the same to be given such owner or owners, at least ten (10) days prior to the date of such hearing, by mailing a copy of such notice to the last known place of abode of such owner or owners or by leaving a copy of the same with the agent or person having charge of or occupying such land.

Sec. 17-52. Removal of snow, ice, debris, vegetative growth and other obstructions.

(a) The owner, agent of the owner, or occupant of any property bordering upon any street, square or public place within the town where there is a paved or concrete sidewalk shall cause to be removed therefrom any and all snow, sleet, ice, debris, vegetative growth and other obstructions. Nothing in this section shall be deemed to remove or alleviate the owner's responsibility and liability for correcting hazardous conditions on their property.

- (1) Removal of snow, sleet and ice shall be done within twenty-four (24) hours after the same shall have fallen, been deposited or found, or in the case of ice that cannot be removed, such ice shall be covered with sand or some other suitable substance to cause such sidewalk to be made safe and convenient within such time period. Removal of snow and ice shall mean the removal of snow and ice to the full width of the sidewalk.
- (2) Removal of debris and other obstructions shall be done within twenty-four (24) hours after the same shall be found or deposited, to make such sidewalk safe and convenient.
- (3) Removal of vegetative growth occurring adjacent to, or overhanging the sidewalk shall be done within fourteen (14) days after receiving notice of violation of this section to make such sidewalk safe and convenient. Vegetative growth shall be removed and maintained to a distance of one (1) foot beyond each exterior edge of the sidewalk to a clear height of seven (7) feet above the sidewalk. Overhanging vegetation shall be removed to establish a clear height of seven (7) feet. Grass or sod overgrowing the sidewalk surface greater than six (6) inches shall be removed.

(b) No private person or entity shall place or cause to be placed, any snow, ice, debris, vegetation or other obstruction from any privately owned property onto or into any street, public way or sidewalk of the town, so as to in any way interfere with, impede or render unsafe any manner of use of or travel on said streets, public ways or sidewalks.

periodic payments over a period of time not to exceed five (5) years. The town council shall give notice of the date or dates when assessments are due and payable by publication in a newspaper having a circulation in the municipality and by mailing copies of such notice to affected property owners. Such notice shall list the streets for which such assessments are due. No assessment shall be due and payable earlier than thirty (30) days after the publication of such notice. Such assessments shall be delivered by the town council to the tax collector of the town for collection and shall be final and conclusive on all parties in interest.

(Code 1960, § 2394; Ord. of 5-10-71)

Sec. 17-80. Collection of assessments.

Payment of an assessment levied under this article may be enforced in a civil action by said town or by foreclosure in the manner of foreclosure of tax liens. Such assessment shall become a lien upon the land assessed from the date it is levied and shall remain a lien in favor of the town until payment; provided no such lien shall continue for a period longer than four (4) months after such assessment was made unless, within such period, a certificate, in writing, signed by the tax collector and describing the premises, the amount claimed as a lien, the date of such final assessment and the nature of the work for which such lien is claimed, is lodged by the town clerk. Each such lien shall bear interest from the date of the billing thereof at the rate of one-half of one per cent per month until paid. Any such lien shall cease to exist when a certificate signed by the tax collector and stating that the claim secured thereby, together with interest, has been paid in full, shall be lodged with the town clerk. The town council may, in its discretion and in accordance with such regulations as it may adopt, defer, in cases of hardship, the payment of assessments under the provisions of this article.

(Code 1960, § 2395; Ord. of 5-10-71)

Sec. 17-81. Exemption.

The provisions of this article shall not apply to property which is located in an industrial or business zone, and shall not apply to streets which are both accepted and paved as town roads. A paved town road shall be deemed to be an accepted town road with any form of pavement including, but not limited to, oiled gravel, armorcoat, penetration, concrete, or bituminous concrete.

(Code 1960, § 2396; Ord. of 5-10-71)

Secs. 17-82—17-95. Reserved.

Sec. 17-100. Same—Insurance prerequisite to issuance and continued validity.

(a) The contractor applying for a license required by section 17-97 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 three hundred thousand dollars (\$300,000.00) each person; five hundred thousand dollars (\$500,000.00) each accident with property damage limits of fifty thousand (\$50,000.00) each accident.

(b) The insurance shall cover the entire contract period as well as the maintenance period and in the event that 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 issued 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 rights-of-way. In the event that a licensee shall fail to renew an insurance policy which expires during the maintenance period, the town manager or his designated agent may renew such policy after 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 licensee.

(Code 1960, § 2301.3; Ord. of 12-10-62)

Sec. 17-101. Same—Transferability.

No contractor licensed pursuant to section 17-97 or abutting property owner shall allow his name to be used by any other person or party either for the purpose of obtaining permits or doing any work under his license.

(Code 1960, § 2301.8; Ord. of 12-10-62)

Sec. 17-102. Same—Revocation.

The town manager or his designated agent may at any time cancel or suspend any license required by section 17-97 for cause. In the event the liability insurance is cancelled, the license issued to the contractor shall automatically become suspended.

(Code 1960, § 2301.6; Ord. of 12-10-62)

Sec. 17-103. Same—Expiration.

All licenses required by section 17-97 shall expire on December 31 next following their date of issue, unless sooner revoked, and a new license obtained before any work can be performed thereafter by the licensee.

(Code 1960, § 2301.5; Ord. of 12-10-62)

Sec. 17-104. Business address.

The applicant for a license required by section 17-97 shall file with the town manager's office his business address, and shall notify such office promptly of any change therein. Any orders

Sec. 17-109. Correcting unsatisfactory work.

(a) The town manager 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 to work within the public rights-of-way.

(b) If, in the opinion of the inspector, the work being performed does not meet the specifications and conditions in connection with it, the permittee shall be required to correct such condition, commencing work within twenty-four (24) hours of notification to make such correction unless a longer period of time is granted by the town manager or his designated agent.

(c) Work that has been completed and from which all men, equipment and material have been removed will be subject to the same conditions as those cited in the foregoing paragraph with the exception that a five-day limit will be imposed for commencement of rework unless a longer period of time is authorized by the town manager or his agent.

(d) If the permittee fails to comply with the requirements of this section, the town manager 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.

(Code 1960, § 2301.13; Ord. of 12-10-62)

Sec. 17-110. Permittee's period of responsibility.

Unless the period of responsibility is waived, in whole or in part by the town manager, the permittee will guarantee his work for a period of six (6) months from date of completion of work within the public rights-of-way. During this guarantee period, the insurance as herein provided, shall remain in full force and effect. Completion of such work refers to the completion of the permanent pavement replacement.

(Code 1960, § 2301.14; Ord. of 12-10-62)

Sec. 17-111. Exemptions.

(a) The town manager or his designated agent may waive all requirements concerning licensing and insurance in case of any governmental agency or public service company. Nothing herein contained, however, shall be deemed to waive the requirement of obtaining permits.

(b) None of the provisions of this division shall apply to any work performed in connection with the maintenance, repair, replacement or relocation of existing utility poles owned by any public service company, nor to the erection of any temporary protective warning signs or devices.

(c) Nothing in this division shall be construed to prevent the making of any necessary excavation or the performance of any work related thereto by any public service company in the event of emergency.

Sec. 17-125. Protection from heavy equipment.

Wherever a contractor or person is performing work that requires the moving of heavy equipment over a curb, he shall take adequate steps to bridge, plank, or otherwise protect the curb from damage.

(Code 1960, § 2308.5; Ord. of 12-10-62)

Sec. 17-126. Removing, damaging, etc., without permit prohibited.

It shall be a violation of this division to crack, break, remove or damage any existing curb unless a permit has been issued in accordance with the provisions of this section.

(Code 1960, § 2308.6; Ord. of 12-10-62)

Sec. 17-127. Repair of damaged curbs.

If a curb is unlawfully damaged by any contractor or person the town shall give notice to such contractor or person that such curb must be repaired or replaced to the satisfaction of the town manager. If such repair or replacement is not completed within five (5) days from the mailing of such notice, the town manager may cause such work to be performed, and the contractor or person shall be liable for the full expense of such work, such expense to be paid within thirty (30) days of billing.

(Code 1960, § 2308.7; Ord. of 12-10-62)

Secs. 17-128—17-135. Reserved.

DIVISION 3. DRAINAGE SPECIFICATIONS

Sec. 17-136. Permits—To be issued to licensed contractors only.

Only a licensed contractor may be issued a permit by the town manager or his designated agent to do any type of surface or cellar drainage work which connects into the town storm drainage system either surface or underground.

(Code 1960, § 2304.1; Ord. of 12-10-62)

Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 11.

Sec. 17-137. Same—Waiver of claim prerequisite to issuance.

No permits for work described in section 17-136 will be issued until the property owner shall have signed a waiver of claim on forms provided by the town manager or his designated agent, relieving the town of all responsibility for any damage resulting from such connection, specifically relinquishing any claim such property owner may otherwise have against the town caused by the back up of surface water through the town storm drain system.

(Code 1960, § 2304.2; Ord. of 12-10-62)

Sec. 17-152. Permits; issuance restricted.

No person other than a licensed contractor will be issued a permit to construct, surface, or resurface a driveway, paved or otherwise, within the public rights-of-way of the town.
(Code 1960, § 2303.1; Ord. of 12-10-62)

Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 11.

Sec. 17-153. Grade.

After obtaining a permit and before commencing operations in the public rights-of-way, a grade line shall be obtained from the town manager or his designated agent.
(Code 1960, § 2303.2; Ord. of 12-10-62)

Sec. 17-154. Width.

(a) No private residential driveway over twelve (12) feet in width shall be permitted without approval from the town manager.

(b) No public or commercial driveway over thirty (30) feet in width shall be permitted without approval from the town manager.
(Code 1960, § 2303.3; Ord. of 12-10-62)

Sec. 17-155. Distance from crosswalk.

No driveway shall be constructed within four (4) feet of a regularly constituted crosswalk.
(Code 1960, § 2303.4; Ord. of 12-10-62)

Sec. 17-156. Number and separation distance.

(a) Approval must be obtained from the town manager to install more than two (2) driveways on one (1) piece of property.

(b) Under no circumstances shall the town manager permit two (2) driveways either on the same or joining property closer than eight (8) feet at the gutter line.
(Code 1960, § 2303.5; Ord. of 12-10-62)

Sec. 17-157. Location of driveway.

No driveway shall be constructed within twenty (20) feet of a street intersection.
(Code 1960, § 2303.6; Ord. of 12-10-62)

Sec. 17-158. Extent of driveway.

No driveway apron shall extend into the street further than the gutter line unless a culvert is placed under the driveway as herein provided.
(Code 1960, § 2303.7; Ord. of 12-10-62)

Secs. 17-172—17-180. Reserved.

DIVISION 6. MATERIALS SPECIFICATIONS

Sec. 17-181. Hot asphalt concrete pavement.

The materials for hot asphalt concrete pavement shall be in accordance with Class I, Section 4.03, Connecticut Highway Specifications.
(Code 1960, § 2310.0; Ord. of 12-10-62)

Sec. 17-182. Concrete pavement.

The materials for concrete pavement shall be in accordance with Section 4.01, Connecticut State Highway Specifications.
(Code 1960, § 2310.2; Ord. of 12-10-62)

Sec. 17-183. Bank run gravel.

The materials for bank run gravel shall be in accordance with Section 4.11, Connecticut State Highway Specifications.
(Code 1960, § 2310.3; Ord. of 12-10-62)

Sec. 17-184. Processed gravel.

The materials for processed gravel shall be in accordance with Section 4.15, Connecticut State Highway Specifications.
(Code 1960, § 2310.4; Ord. of 12-10-62)

Sec. 17-185. Culvert pipe.

Culvert pipe shall be reinforced concrete or corrugated metal pipe having a minimum diameter of twelve (12) inches.
(Code 1960, § 2310.5; Ord. of 12-10-62)

Sec. 17-186. Concrete sidewalks.

The materials for concrete sidewalks shall be in accordance with Section 9.21, Connecticut State Highway Specifications.
(Code 1960, § 2310.6; Ord. of 12-10-62)

Sec. 17-187. Additional specifications.

Additional specifications of material, construction methods and details of appurtenances shall be as established by the town and shall be on file with the town manager.
(Code 1960, § 2310.7; Ord. of 12-10-62)

Secs. 17-188—17-195. Reserved.

Sec. 17-201. Not to be left on highway at night; exception.

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

(Code 1960, § 2305.6; Ord. of 12-10-62)

Secs. 17-202—17-210. Reserved.

DIVISION 8. STREET EXCAVATIONS

Sec. 17-211. Permits; issuance restricted.

No person other than a licensed contractor will be issued a permit to excavate in a paved street area.

(Code 1960, § 2302.1; Ord. of 12-10-62)

Cross reference—Licenses, permits and miscellaneous business regulations, Ch. 11.

Sec. 17-212. Notification of police and fire department.

The contractor shall notify the police department and the fire department twenty-four (24) hours in advance of making an excavation which requires blocking more than fifty (50) per cent of the width of the street. The fire department shall be notified through its fire chief.

(Code 1960, § 2302.2; Ord. of 12-10-62)

Sec. 17-213. Tunneling and bracing.

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

(Code 1960, § 2302.3; Ord. of 12-10-62)

Sec. 17-214. Maximum width of cut.

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

(Code 1960, § 2302.4; Ord. of 12-10-62)

Sec. 17-215. Public safeguard.

All excavated material shall be compactly piled and not interfere with public travel more than necessary. Suitable barricades must be provided, and warning lights kept burning between sunset and sunrise. If, in the opinion of the town manager or his designated agent, the location and extent of work is such that a traffic director is required, the town manager or his

- (b) The trench area must be excavated to a depth of ten (10) inches. Eight (8) inches of processed stone or processed gravel must be installed and compacted either with a roller of not less than five (5) tons or a power tamper.
- (c) The area immediately adjacent to the edge of the trench must be swept clean so that no loose sand, temporary patch or other debris remains.
- (d) A hot patch material must be placed over the processed gravel or stone so that after compaction a depth of not less than two (2) inches is in place. The material must be so installed that the original cross slope of the road is maintained.
- (e) All joints must be sealed with a bituminous joint sealer.
- (f) If as a result of the contract work performed under the permit which this section specifically pertains to, the pavement outside of the trench area or the shoulders of the road are damaged as a result of this work or the detouring of traffic within the area covered by the permit, these damaged areas must also be repaired to the satisfaction of the town.
 - (1) If the pavement area is damaged, it will be replaced as stipulated in subsections (b) through (f) of this section.
 - (2) If the unpaved shoulder is damaged, it will be restored to the condition which existed prior to the beginning of the work. If the area was grassed, it will be reseeded and reseeded, otherwise it must be regraded with processed gravel.
- (g) If the street in which the excavation is made is a bituminous macadam penetration pavement, the town reserves the right in lieu of the hot mix pavement referred to in subsection (d) of this section to require a two and one-half (2½) inch penetration pavement to be installed.
- (h) If the street in which the excavation is made is a concrete pavement, the town reserves the right in lieu of the hot mix pavement referred to in subsection (d) of this section to require a new concrete pavement to be installed.
- (i) The town reserves the right to require the contractor to pay to the town, in lieu of installing a permanent pavement replacement as stipulated in this agreement, a cash payment based on a current unit price per square yard of trench area including the cutback area referred to in subsection (b) of this section. A representative of the town and the contractor will measure the trench area, but the final decision as to the area in square yards will rest with the town.
- (j) Materials used in the permanent pavement replacement shall be in conformance with the specifications set forth in division 6 of this article.

(Code 1960, § 2302.8; Ord. of 12-10-62)

Secs. 17-219--17-225. Reserved.

Secs. 17-231—17-240. Reserved.

ARTICLE VII. RESERVED*

***Editor's note**—At the request of the city, Art. VII, §§ 17-241—17-248, which pertained to scenic roads, has been removed inasmuch as same was not reinstated and became void as of Apr. 24, 1994.

to install such sidewalks, in which case no certificate of occupancy for any such building shall be issued until such sidewalks have been constructed to completion. In the event the owner or any other person with a legal interest in the abutting property elects to construct such sidewalks at his expense, such construction shall be done to existing town specifications under supervision of town official, and all expense for such construction shall, on submission of proper affidavits satisfactory to the town, constitute a credit towards any future assessments made under this division.

(b) The owner of any business, commercial, and industrial buildings on property in business, commercial, and industrial zones may request that the requirements of this section for sidewalk construction be waived by the town plan and zoning commission. The commission shall in making its decision, consider such factors as density of commercial structure, traffic and pedestrian volumes, and safety hazards. The decision of the commission shall be made within thirty (30) days from the receipt of such request for waiver and shall be final. (Code 1960, §§ 2355.1, 2355.2; Ord. of 1-28-63)

Secs. 17-55—17-60. Reserved.

DIVISION 2. RESERVED*

Secs. 17-61—17-75. Reserved.

ARTICLE V. STREET PAVING

Sec. 17-76. Town's power to pave and assess costs.

The town council may cause to be paved with any substantial pavement or any acceptable base, together with drainage and grading where necessary or desirable, such streets or parts of streets in the town as it may determine. The town council shall have the power to apportion and assess the whole or any portion of the cost of such drainage, grading, base and paving, including the portion contiguous to lateral and intersecting streets, upon the land and buildings which in its judgment are especially benefited thereby, whether they abut such streets or not, and upon the owners of such land and buildings in accordance with such rule as the town council adopts. In assessing benefits and apportioning the amount to be raised thereby among the properties benefited, the council may give consideration to the area, frontage, grand list valuation, and to present or permitted use or classification of benefited properties and to other relevant factors. The council may make reasonable allowances in the case of properties having a frontage on more than one (1) street and whenever for any reason the particular situation of any property requires an allowance.

(Code 1960, § 2391; Ord. of 5-10-71)

***Editor's note**—An ordinance of Mar. 8, 1983, dissolved the sidewalk evaluation and program committee, deriving from Code 1960, §§ 2357.0, 2357.2—2357.4, which had been codified as Div. 2, §§ 17-61, 17-63—17-65. Said sections had also been amended by an ordinance of Nov. 8, 1965.

