

**ORDINANCE NUMBER 1198 SUPPLEMENTAL
AMENDMENT TO ARTICLE II OF CHAPTER 214,
ENCROACHMENTS AND EXCAVATIONS**

WHEREAS, Article II of Chapter 214 of the City Code contains sections that do not contain violation or penalty provisions; and

WHEREAS, it has been determined that it is in the best interest of the City to amend Article II of Chapter 214 of the City Code to add a general violation and penalty provision for the entire Article; and

WHEREAS, amending Article II of Chapter 214 will make enforcement easier and thus better ensure the safety of the public;

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

Article II of Chapter 214, "Streets and Sidewalks," of the City of Stamford Code of Ordinances is hereby amended as follows:

Sec. 214-14. Obstructions prohibited; safe passage.

- A. No person shall place, or cause to be placed, any obstruction to public travel in any street or sidewalk unless such person shall have obtained a permit for such obstruction granted as provided by an appropriate city ordinance.
- B. Any person granted such a permit under an appropriate ordinance shall, when possible, provide at all times a safe and convenient passage over or around such obstruction.

Sec. 214-15. Trapdoors to be closed.

No person shall leave open any trapdoor or any opening of any kind whatsoever in any sidewalk or crosswalk within the city.

Sec. 214-16. Removal of snow and ice from sidewalks by abutting owners or occupants.

- A. Ice and snow to be removed. The owner, occupant or person or condominium association in charge of any land in the city which is in front of, along or adjoining any sidewalk shall, after the ceasing of the fall of snow or ice on such sidewalk and after the freezing of any water or moisture thereon, remove or cause to be removed such snow or ice from such sidewalk, and if the same cannot be wholly removed, shall sprinkle or cause to be sprinkled thereon sand or other proper substance so that such sidewalk shall be safe for public travel.
 - (1) If such fall of snow or ice or such freezing of water or moisture is in the daytime, it shall be removed within twelve (12) hours of the ceasing of such fall or freezing; or if such fall or freezing is in the nighttime, before 10:00 a.m. of the succeeding day.
- ~~B. Violations. Any person who violates this section shall be fined ninety dollars (\$90.) for each offense. Each such violation shall be a separate and distinct offense, and each day that such violation continues uncorrected shall be deemed a separate and distinct offense and shall be subject to penalties hereinabove provided. Notwithstanding the above, nNo owner or occupant of, or condominium association or person in charge of, property abutting a sidewalk shall be liable for a citation for a violation of this section for snow plowed from the street onto said sidewalk by a plow operated by or contracted to the City of Stamford.~~
- ~~C. Enforcement. In addition to other available methods of enforcement, this section may be enforced through the civil citation process.~~
- ~~D. Citation hearing procedure. The citation hearing procedure adopted by Chapter 97, Citation Hearings, shall apply to citations issued for a violation of this section.~~

Sec. 214-17. (Reserved)

Sec. 214-18. Deposit of snow and ice in streets.

- A. No person shall plow or cause to be plowed any snow or ice from private property onto a city street so as to obstruct traffic or pedestrian walkways.
- ~~B. Violations and penalties. Any person who violates this section shall be fined ninety dollars (\$90.) for each offense. Each such violation shall be a separate and distinct offense and each day that such violation continues uncorrected shall be deemed a separate and distinct offense and shall be subject to penalties hereinabove provided.~~
- ~~C. Civil citation process. In addition to other available methods of enforcement, this section may be enforced through the civil citation process.~~

Sec. 214-19. Permit for placing building materials on streets.

- A. Any person intending to undertake construction, alteration or repair of any building or other structure upon or adjacent to any public highway may be granted a permit by the Director of Operations, of the designee of said director, to occupy a portion of such highway for building materials, accessories or any other needs specifically related to construction under such terms and conditions as the City Engineer may specify with regard to building construction requirements, and the Office of Operations may specify with regard to the needs of traffic and parking.

- B. The fee for such permit shall be one hundred (\$100.), and such permit shall be valid for a period not to exceed ninety (90) days. Said permit may be renewable upon the filing of another fee of one hundred dollars (\$100).
- ~~C. The penalty for a violation of this section shall be ninety dollars (\$90.) for each offense. Each such violation shall be a separate and distinct offense, and each day that such violation continues uncorrected shall be deemed a separate and distinct offense and shall be subject to the fine herein provided.~~
- ~~D. Civil Citation process. In addition to other available methods of enforcement, this section may be enforced through the civil citation process.~~

Sec. 214-20. Fence and lights around obstructions or materials in streets.

Any person occupying a portion of any street or sidewalk under a permit as specified in § 214-19 shall keep the same safe for public travel by erecting and maintaining a sufficient rail or fence around any obstruction or material placed in the street or sidewalk and by lighting such enclosure at night in the manner specified in § 214-31 for keeping the street or sidewalk safe for public travel.

Sec. 214-21. (Reserved)

Sec. 214-22. (Reserved)

Sec. 214-23. Moving of buildings.

No person shall remove or draw through, over or upon any street in the city any house, barn, shop or other building without first having secured a permit therefor from the Building Inspector. Before receiving such permit the applicant shall give a bond in a sum to be determined by the Building Inspector, conditioned to pay all costs and damages which the city shall sustain due to the above-mentioned movement or be compelled to pay for any accidents caused by such building on any street. Every application for a permit under this section shall state the name of the owner of the building to be removed, the name of the person who is to move the same, the precise localities from which and to which the building is to be moved, the distance from the proposed front line of such building in its new location to the line of the street, the street through which it is to be conveyed, the length of time to be occupied in removing the building and the dimensions of the building and nature of materials of which it is constructed. No person receiving permission to remove a building as provided for in this section shall be deemed to have the permission to remove the same through or upon any street not designated in his application or permit. Every twelve (12) hours that any such building shall remain in or upon any public highway of the city without such permit having been obtained or after the time allowed in which to remove such building has expired shall be deemed a separate violation of this section.

Sec. 214-24. Erection of buildings and bridges on streets.

- A. No person shall erect or set up upon any street, sidewalk or public square within the city any house, shop or building of any kind or set thereon any gate, fence or bar, or place thereon any obstruction whatsoever.
- B. No person shall erect or construct any bridge in any of the streets of the city, without permission from the City Engineer; nor shall any bridge or street be constructed or erected to or from any street in the city, to or from any other municipality or to or from any divided limited-access parkway or interstate highway without prior approval of the Board of Representatives, the Planning and Environmental Protection Boards, the City Engineer and the Director of Operations, or the designee of said Director, and the Fire and Police Departments.

Sec. 214-25. Encroachments restricted.

- A. No building or any part thereof or any step, fence, stoop or other structure, except temporary structures expressly authorized by the Engineering Department of the City of Stamford, shall be erected in such a place and manner as to constitute an encroachment on any street or sidewalk in the city.
- B. Exception. Awnings or canopies, whether fixed or retractable, with or without signage, may be erected in such a manner as to encroach upon any street or sidewalk, provided that the lowest edge of said awning or canopy or anything hanging from said awning or canopy shall be at least seven (7) feet above the grade, except that the bottom of valances of canvas awnings of canopies may extend to within six (6) feet nine (9) inches of such grade, and provided further that such awning or canopy shall be set back a minimum of three (3) feet from the curblin and shall not extend above the sill of the windows of the second floor. Stanchions or similar supports, temporary or permanent, which are attached in any manner to the ground are prohibited.
- C. Conformance with Zoning Regulations.
 - (1) All awnings or canopies must be in conformance with the Zoning Regulations of the City of Stamford.
 - (2) Nothing in this chapter shall be construed to permit signage in excess or in violation of the Zoning Regulations of the City of Stamford.
 - (3) If the awning or canopy is within the Stamford Urban Renewal Area, said awning or canopy must be in conformance with the Urban Renewal Plan for the Southeast Quadrant Project (Extended), Stamford, Connecticut, R-43, as amended.

D. Requirements.

- (1) No person shall erect an awning or canopy over any street or sidewalk without having first obtained certification by the Risk Manager of the City of Stamford that adequate insurance has been secured, and said insurance shall name the City of Stamford as an additional insured.
- (2) No person shall erect an awning or canopy over any street or sidewalk until he has executed an agreement to indemnify and hold harmless the City of Stamford, its employees, its officials and/or agents from any and all claims, actions, injuries or damages of every kind and description which may accrue to or be suffered by any person by reason of or related to the awning or canopy and its installation.
- (3) No person shall erect an awning or canopy over any street or sidewalk until he has obtained certification from the Director of Operations ^[11.1] or his designee that such encroachment would not interfere with traffic, public safety, anticipated street or sidewalk improvements or facilities or create a nuisance condition.

E. Revocation. The privilege to place an awning or canopy over any street or sidewalk may be revoked, in writing, by either the Building Inspector or the Zoning Enforcement Officer for any of the following reasons:

- (1) Failure to maintain said awning or canopy in good repair.
- (2) Violation of the Zoning Regulations of the City of Stamford.
- (3) If located within the Stamford Urban Renewal area, a violation of the Stamford Urban Renewal Plan.
- (4) It becomes necessary for the City of Stamford to perform work in or adjacent to the subject public sidewalk area.
- (5) A determination by the Director of Operations or his designee that the awning or canopy interferes with traffic or the safety of the public subsequent to its erection.

Sec. 214-26. Removal of existing encroachments.

Whenever the governing body shall lay out any new street in the city or shall alter the boundary lines of any existing street so as to include within the boundaries of the street so laid out any building, part of building, fence or other structure which was not, previous to such action of the governing body, within the boundaries of the street, the City Engineer may declare such building, part of building, fence or other structure to be an encroachment upon the street and may order the owner of such building, part of building, fence or other structure to remove the same within twenty (20) days from the date of the order, and if the same shall not be removed by the owner pursuant to such order within the time fixed therefor in such order, the City Engineer may cause such encroachment to be removed and the expense of removal shall be collected from such owner as provided by law.

Sec. 214-27. Vegetation abutting city streets and sidewalks.

- A. No owner, lessee or person in possession or control of any land within the city shall set out, maintain or allow to grow upon any such land abutting a city street or sidewalk any hedge, grass, tree, shrub or other vegetation in such position that such hedge, grass, tree, shrub or vegetation shall extend over the sidewalk or street so as to be a sight line obstruction to motorist or to interfere with the free use of the sidewalk to its full width by pedestrians.

~~B. This ordinance may be enforced through the use of the civil citation process.~~

Sec. 214-27.1. Corner vision obstructions.

No hedge, shrubbery or full-board fence or any other obstacle than an existing building or a natural earth embankment shall be maintained or permitted at a height of more than three (3) feet above the street grade on that portion of any lot commencing at the corner point of a street line on the street side of the lot and running in either direction along the street for a distance of not less than twenty-five (25) feet and within the triangle thus formed by both street lines and a line connecting the above-mentioned termini of both street lines. Nor shall the foliage of any tree be maintained or permitted to obstruct vision within said distances.

Sec. 214-28. Snow removal and sweeping of unaccepted streets and private roads.

- A. The Office of Operations is authorized and directed to snowplow, sand, salt or sweep when deemed necessary:
- (1) Those unaccepted streets which, in the discretion of the Director of Operations, will not be a safety hazard to city personnel or equipment.
 - (2) Those private roads which meet the same discretionary safety standards as applied to said unaccepted streets by the Director of Operations, upon written petition to said Director by a majority of property owners on said private roads for said service.
- B. Snowplowing, sanding, salting or sweeping of any of said unaccepted streets or private roads shall not constitute:
- (1) An implied or expressed acceptance by the City of Stamford of any unaccepted street or private road.

- (2) A repair or maintenance by the City of Stamford of any unaccepted street or private road.
- (3) An extension of any liability of the City of Stamford for any damage or injury connected with or to an unaccepted street or private road.
- C. A list of unaccepted streets and private roads is on file in the office of the Town and City Clerk.
- D. The Mayor of the City of Stamford is hereby authorized and empowered to act for the City of Stamford to effectuate this section.

Sec. 214-29. Excavation permit required.

- A. General requirements.
 - (1) 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.
 - (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 designate shall require such measures to be performed by the permittee as are necessary in his opinion to assure the safe passage of traffic through or around a work area. The Director of Operations may require signs, barricades or traffickers and/or limit the hours of operation of such permitted work to ensure safety and minimize congestion on the streets.
 - (3) Any permit which is exercised without such 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.
- 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 opening" permit.
- 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 such violation and shall each be fined not less than four (4) times the normal permit fee. Additionally, in the event permanent repairs have not been completed by the expiration date of the permit 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 result in revocation of any existing permits, and no further 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 permit. Notwithstanding, the fines mentioned above still apply.
- 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.

Sec. 214-30. Excavation bond requirements.

- A. No permit issued pursuant to this Article shall be issued until the person applying therefor shall have filed with the City Engineer a bond in the following form and in the penal sum set forth therein:

STREET OPENING AND/OR EXCAVATION BOND

KNOW ALL, BY THESE PRESENTS that we _____ as principals and _____ as surety, are held and firmly bound unto the City of Stamford in the penal sum equal to one hundred percent (100%) of the estimated cost of the work to be performed. All work to be performed within any consecutive twelve-month period, said penal sum to be paid to the said City of Stamford, its agents or assigns, for which payment, well and truly to be made, we bind ourselves and our heirs, executors, administrators, successors and assigns, firmly by these presents. Signed with our hands and sealed with our seals this _____ day of _____ 19_____.

Now the condition of this obligation is such that whereas said principal has applied for and received a construction permit for work in public streets, public alleys or public grounds in the City of Stamford.

Now, if said principal shall well and faithfully perform all work for which the City of Stamford has issued said permit or permits, in accordance with specifications for such work as set forth by the City Engineer of the City of Stamford, and if the principal shall, for a period of one (1) year after the

approval and acceptance of said work by the City Engineer of the City of Stamford perform any and all repairs required to be made to any public street, public alley or public ground as a result of negligent or improper methods or materials or any other fault, defect or omission in the performance and/or restoration of said street opening(s) and/or excavation(s), said repair(s) to be performed as directed by and within the time limits specified by and subject to the approval of the City Engineer of the City of Stamford, and if the principal shall indemnify said City of Stamford for all damages to any city property resulting from his work operations, regardless of whether such damage is done by himself, his agents, employees or subcontractors, then this obligation shall be void, otherwise it shall remain in full force and effect.

This bond may be canceled as to future liability by surety, effective thirty (30) days after service of notice by registered mail on the principal and said City of Stamford. Nothing herein contained shall relieve the principal and surety of the obligation to perform any and all repairs of this above-mentioned period of one (1) year.

Signed, sealed and delivered in the presence of

(Principal)

By _____
(Witness)

(Surety)

By _____
(Witness)

AFFIDAVIT

STATE OF CONNECTICUT
)

) ss.

COUNTY OF FAIRFIELD
)

_____ being first duly sworn, on oath deposes and says that he is an attorney-in-fact of the
_____ Company, surety on the attached bond, executed by _____.

(Contractor)

Affiant further deposes and says that no officer, official or employee of the City of Stamford has any interest, directly or indirectly, or is receiving any premium, commission, fee or other thing of value on account of the sale or furnishing of the policy, bond, undertaking or contract of indemnity, guaranty or suretyship in connection with the above-mentioned contract.

Subscribed and sworn to me
this _____ day of _____ 19_____.

(Notary Public)

- B. For the purpose of this section, any public-service company may submit the certificate issued by the Secretary of State pursuant to Section 16-230 of the General Statutes of the state in lieu of the bond prescribed herein.

Sec. 214-31. Safety precautions around excavations.

- A. When any manhole, flush tank, conduit or hole is opened or any opening or excavation is made in any street or sidewalk in the city, the person opening or making the same or causing the same to be opened or made shall cause a sufficient rail or fence to be placed and fixed so as to completely enclose such opening or excavation and any objects or materials taken therefrom or used in connection therewith and left in such street or sidewalk so that such street or sidewalk shall be safe for public travel. Such rail or fence shall be continued in place as long as such opening or excavation remains open, as long as such objects or materials remain in such street or sidewalk and until such street or sidewalk is safe for public travel without such rail or fence. Such person shall also cause to be fixed one (1) or more lighting fixtures, as approved to be sufficient to render such street or sidewalk safe for public travel at night, to some part of such rail or fence or in some other proper position over or near such enclosure, and shall keep such lighting fixtures properly burning from the beginning of twilight in the evening through the whole night until broad daylight in the morning during every evening and night that such fence or rail is required to be maintained as aforesaid. Said person shall also take all proper additional precautions that may be necessary to prevent such

opening, excavation, objects or materials as aforesaid from rendering such street or sidewalk unsafe for public travel.

- B. Should the contractor fail to satisfactorily perform any of the work required under this section, the city may perform or arrange for others to perform such work. In such cases, the city will deduct from money due or to become due the contractor all expenses connected therewith.
- C. It shall be the duty of the City Engineer to enforce this section.

Sec. 214-31.1. Violations and penalties; enforcement.

- A. Unless otherwise provided in this Article, each violation of any provision of this Article, and each such occurrence of any violation, and/or each calendar day or part thereof in which any such occurrence shall continue uncorrected, shall constitute a separate and distinct offense and shall be subject to the penalty provided hereinbelow. All persons, as principals or agents, causing, participating in, or in any way responsible for any violation of this Article shall be severally guilty of such violation and shall each be fined not less than twenty-five dollars (\$25.) nor more than ninety dollars (\$90.) for each offense.
- B. In addition to other methods of enforcement, this Article may be enforced by the use of the civil citation process.

Randall M. Skigen, President, and Annie M. Summerville, Clerk, do hereby certify that the foregoing Ordinance was approved on the Consent Agenda by the 29th Board of Representatives at the Regular Board Meeting held on August 3, 2015.

Randall M. Skigen, President
Dated this _____ day of August, 2015

Annie M. Summerville, Clerk
Dated this _____ day of August, 2015

David R. Martin, Mayor, City of Stamford
Dated this _____ day of August, 2015

EFFECTIVE DATE: August __, 2015

cc: Mayor David R. Martin
Michael Handler, Director of Administration
Lee Berta, Assistant Director of OPM
Ernie Orgera, Director of Operations
Thomas Madden, Director of Economic Development
Kathryn Emmett, Esq., Law Department
Ted Jankowski, Director of Public Safety, Health & Welfare
Donna Loglisci, Town Clerk