

Chapter 139

STREETS AND SIDEWALKS

[HISTORY: Adopted by the Town Council of the Town of Wethersfield as Secs. 7-1-4 through 7-1-7, 7-2-1 through 7-2-11, and 7-3-1 through 7-3-9 of the 1972 Code; amended in its entirety 8-15-2005. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Garbage, rubbish and refuse placement — See Ch. 93.

Vehicles and traffic — See Ch. 157.

Peddling and soliciting — See Ch. 116.

Abandoned or inoperable vehicles — See Ch. 160.

ARTICLE I
Removal of Obstructions

§ 139-1. Removal of obstructions. [Amended 8-25-2008]

- A. Definitions. As used in this article, the following terms shall have the meanings indicated:

OBSTRUCTION — Any impediment on a sidewalk or public highway that interferes with the removal of snow and ice from said sidewalk or public highway or interferes with the safe and orderly flow or passage of motor vehicle or pedestrian traffic. Such impediments may include, but are not limited to, grass clippings, brush, leaves, sand, gravel, stones, litter, vegetable and animal matter, refuse and rubbish.

PERSON — Any individual, corporation, association or other aggregation of individuals.

PUBLIC HIGHWAY — Any public streets, avenues, boulevards, roads, drives, parkways, alleys and other travel ways within the Town.

- B. Sidewalks. The owner, agent of the owner or occupant of any building or land bordering upon any street, square or public place within the Town where there is a sidewalk shall cause to be removed therefrom and keep the sidewalks of said property free from all obstructions which would endanger the safety, health or well-being of pedestrians; provided, however, that no such owner or agent of the owner or occupant having or occupying a residential lot with frontage on two nonintersecting streets shall be subject to the requirements of this section with regard to the sidewalks along the rear frontage.

- C. Public highways.

(1) It shall be unlawful for any person to place an obstruction on a public highway in the Town. The Police Department shall be responsible for enforcing the provisions of this article. Upon notification of a police officer, the property owner or occupant of the property that adjoins a public highway must remove the obstruction. If the obstruction is deemed by the police officer as an immediate public highway hazard, such police officer shall immediately notify the Department of Public Works for its prompt removal. If the obstruction interferes with or obstructs any public works project or operation, any public works employee may remove such obstruction or interference from the highway. The Town, for the cost of such removal, may bill the owner or occupant of the property. This billing will also apply to any unscheduled leaf collection provided to Town residents as a result of the placement of leaves that are determined to be an obstruction on a public highway.

(2) Placement of leaves on public property. Nothing contained in this article shall prohibit a person who owns or occupies property along a public highway from placing leaves on public property adjacent to or in front of his or her own property for the purposes of a scheduled collection only. However, no person shall be permitted to place leaves or other material on public property that is not in front of or along side of the property he or she owns or occupies. At no

time shall leaves or other materials be placed upon the paved portion of a public highway.

- D. Enforcement; penalties for offenses. Any person observed placing an obstruction on a sidewalk or public highway or any person who places leaves on public property in violation of this article shall be subject to a fine of \$50. Any property owner adjoining a sidewalk or public highway on which an obstruction is placed shall be subject to a fine of \$50 for failure to remove such obstruction within 48 hours of notification by a police officer, and may be subject to a fine of \$50 per day thereafter for every day the obstruction is on the public highway in violation of this article. If the Department of Public Works removes the obstruction, as provided in § 139-1C, the adjoining property owner shall be billed for the expense of said removal in addition to the penalties provided in this section.

§ 139-2. Removal of snow and ice.

- A. Sidewalks. The owner, agent of the owner or occupant of any building or land bordering upon any street, square or public place within the Town where there is a sidewalk graded, paved or planked shall not collect and direct the flow of any water over said sidewalk and shall cause to be removed therefrom all snow, sleet and ice within a period of 24 hours after the cessation of the snow, sleet or rainfall, and, whenever any such sidewalk or any part thereof shall be covered with ice, the owner, agent of the owner or the occupant of the building or the lot adjacent thereto shall, within the space of 10 hours thereafter during the daytime, cause such sidewalk to be made safe and convenient by removing the ice therefrom or by covering the same by sand or other suitable substances; provided, however, that no such owner or agent of the owner or occupant having or occupying a residential lot with frontage on two nonintersecting streets shall be subject to the requirements of this section with regards to the sidewalks along the rear frontage relative to snow and ice removal and sanding.
- B. Fire hydrants. All snow and ice accumulating in the street higher than a point four inches below the bottom of the lowest outlet on any fire hydrant, and within a radius of three feet from the center of such hydrant, shall be removed by the owner, agent of the owner or occupant of the premises adjoining that portion of the street within 24 hours after such snow and ice has ceased to fall, be deposited or accumulate. Said owner, agent of owner or occupant shall also clear a path having a minimum width of three feet between any fire hydrant and the edge of the traveled portion of the abutting street, highway, private road or drive.

§ 139-3. Removal by Town; costs.

Should any owner, agent of the owner or occupant of any building or land adjacent to a public sidewalk fail to remove therefrom any obstruction or snow or ice or cover the ice with sand or some other suitable substance within the periods prescribed by §§ 139-1 and 139-2, the Town may proceed to have the required work completed, and the expense of such work shall be assessed against the owner of the premises adjacent to the sidewalk where such work is performed, and such expense shall be a lien against such adjacent premises, provided that the Director of Finance causes to be filed a certificate of lien in the Town Clerk's office within 60 days from the completion of such work. The

provisions of this section shall be in addition to fines for violations.

§ 139-4. Placement of removed obstructions into public ways.

- A. No person shall lay, throw, blow, place or plow or cause to be laid, thrown, blown, placed or plowed on or into any public street or way any snow or ice from any private property, public or private sidewalk or public right-of-way. If, in the removal of snow or ice from any such property, sidewalk or way, it is necessary to temporarily place snow or ice on any public street or way, such snow or ice shall immediately be removed from the public street or way by and at the expense of the person causing such deposit.
- B. No person in the process of clearing any property, sidewalk or way as defined above shall:
 - (1) Leave the surface of adjoining public ways any less clear of snow and ice than such person found the public way just previous to commencement of clearance.
 - (2) Plow or deposit snow or ice on the side of embankments to public ways so as to narrow or decrease the width of the traveled portion of the public way as it existed just previous to such person's clearance.
 - (3) Plow or deposit snow or ice on that portion of the public right-of-way that adjoins another person's property without the consent of that person.
- C. The provisions of this section shall not apply to the official snow removal operations of the Town of Wethersfield and the State of Connecticut.
- D. The penalty for each violation or offense shall be \$50, and each and every twenty-four-hour period of failure or neglect to comply with the provisions of this section shall be deemed a separate offense or violation.

ARTICLE II
Construction and Repair

§ 139-5. Council vote to install sidewalks; specifications.

The Council may vote to make and lay sidewalks on any public way at the expense of the owners of lands abutting on that public way. Such sidewalk shall be of such material, width, thickness and at such grade as the Department of Public Works may prescribe.

§ 139-6. Conduct of work.

Subject to the approval of the Council, the Department of Public Works shall adopt, from time to time, such regulations and specifications for the conduct of the work provided for by this chapter as it may deem for the best interests of the Town. It shall be unlawful for any person to violate any such regulation or specification.

§ 139-7. Notice of hearing on project.

At least five days' notice shall be given by publication in a newspaper having a circulation in the Town and by delivery through first-class mail to the last known addresses of the owners of record before a hearing shall be held on each sidewalk installation project. The notice shall include a description of the project, an estimate of all costs of the project and an estimate of the cost of the project to be assessed against each property owner.

§ 139-8. Installation orders.

Within five days of the passage of an order to install by the Council, a true and attested copy of such order shall be delivered through certified mail, return receipt requested, to the last known addresses of the owners of record.

§ 139-9. Compliance with order; costs.

Every such owner shall comply with such order within 30 days after receipt of such notice unless the Council determines that an emergency exists, in which case 10 calendar days shall be allowed to effect such work. Whenever the owner of any premises abutting upon any public way in the Town neglects or fails to install new sidewalks ordered by the Council, it shall be the duty of the Public Works Director to install the same. At the conclusion of such installation, the Public Works Director shall calculate the total cost of the installation and the cost to be assessed against each property owner, provided that no assessment against any owner shall exceed 1/2 of the linear-foot cost times the number of linear feet of walk being assessed. The Council shall establish and order the final assessment against each property owner based upon the calculation made by the Public Works Director.

§ 139-10. Replacement and repair.

Owners of land fronting upon any street or highway, unless exempted by ordinance of the Council, may be ordered by the Public Works Director to replace, repair or otherwise correct defects in any sidewalk adjacent to his land. Notice of the work required shall be delivered in the same manner as notice provided for in § 139-7. Every such owner

shall comply with the order of the Public Works Director within 30 days after receipt of such notice, unless the Public Works Director shall determine that an emergency exists, in which case five calendar days shall be allowed to effect the work.

§ 139-11. Appeals from orders.

Any owner of land who is aggrieved by any order made in accordance with § 139-10 may petition the Council for a rescission or modification of the aforesaid order. Such appeal shall be in writing and must be received by the Council within five calendar days after notice has been received by said owner. If such appeal shall be denied, such owner shall have 15 days from the date of such rejection to effect such work.

§ 139-12. Correction by Town; costs.

Whenever the owner of any premises fronting on any public way in the Town fails, neglects or refuses to repair, replace or otherwise correct defects in an adjacent sidewalk and where no appeal has been taken from the order of the Public Works Director, the Public Works Director shall have the defect corrected and calculate the cost to be assessed against the owner.

§ 139-13. Calculation of assessments.

- A. The unit cost for sidewalk construction shall be calculated as the total project cost of paving and grading, divided by the total length of the project.
- B. The unit cost of each foot of length for sidewalk construction shall be assessed, in accordance with § 139-9, upon the adjoining property, except as follows:
 - (1) A residential lot with frontage upon more than one street shall be assessed for the first sidewalk construction along any one side.
 - (2) The length of the assessment against any residential lot shall not exceed the length of the shortest side along an approved street.
 - (3) A residential lot with frontage on two nonintersecting streets shall not be assessed for the rear frontage.
- C. A lot shall be considered to be a parcel of land that could not be subdivided into additional residential lots under the applicable dimension and area regulations of the Town.

§ 139-14. Assessment payments.

Upon delivery to the Finance Director by the Public Works Director of any calculation of cost for replacing or repairing a sidewalk or of a final assessment order by Council for construction of a sidewalk, the Finance Director is authorized to collect from the adjacent property owners the total amount of such bill; provided, however, that the maximum assessment shall be set at the actual unit of cost incurred by the Town in the last annual sidewalk installation contract.

§ 139-15. Liens on property.

The cost of any work done or any final assessment levied under this chapter shall be the subject of a lien in favor of the Town upon the premises liable therefor. Such lien shall be filed within 60 calendar days from the date of completion of such installation, replacement or repair. Date of completion shall be considered to be the date of the billing sent to the adjacent owners.

ARTICLE III
Excavations

§ 139-16. Definitions.

The following words, when used in this Article, shall have the meaning ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

PERSON — Includes any natural person, partnership, firm, association, corporation or organization of any kind.

STREET — Any public street, avenue, road, square, alley, highway or other public place located in the Town of Wethersfield, and shall include sidewalks and driveway aprons.

§ 139-17. Permit and license required.

It shall be unlawful for any person to open or to make any excavation of any kind in any of the streets in the Town of Wethersfield without first securing a license and a permit therefor, as hereinafter provided.

§ 139-18. Licensing and insurance provisions.

- A. All contractors excavating within Town streets shall be licensed. The contractor applying for license shall furnish the Town with a valid insurance certificate completed by his agent or insurer for the minimum amount described as follows:
- (1) Liability:
 - (a) Bodily injury limits of \$500,000 each person/\$500,000 each accident.
 - (b) Property damage limits of \$500,000 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 10 days prior to expiration.
- C. The property damage insurance shall specifically cover damage to underground pipes and conduits damaged while using powered or mechanized equipment to excavate in the public right-of-way.
- D. Before a license is granted, the applicant must file with the Engineering Division a surety bond in the sum of not less than \$10,000 made on a form provided for that purpose. Said surety bond may be cash or written by an indemnity or surety company authorized to transact business in Connecticut and approved by the Town Manager or his agent. Excavator's licenses are not transferable. Before any permit shall be issued to open or excavate any street in the Town, the applicant shall pay to the Town Engineer a permit fee in the amount of \$35 to cover the cost of inspection and other incidental services in connection therewith. Any work performed without obtaining the necessary permits and licenses as prescribed in this article shall result in a doubling of the fees as contained in this section. Permits shall be valid for a period of 30 days. If the estimated value of the work exceeds \$10,000 in the opinion of the Town Engineer, he may require the contractor make application for multiple permits for the various components of the work. The Town

Engineer or his designated representative may at any time cancel or suspend permits for just cause.

§ 139-19. Permits.

Any person who desires to make any opening or excavation in any of the streets in the Town of Wethersfield shall make application to the Engineering Division, in writing, for that purpose. Such an application shall be made upon blanks to be furnished by the Town and shall contain the name of the applicant, the exact location of the proposed opening or excavation, the approximate size or depth thereof, the CALL BEFORE YOU DIG permit number and an agreement on the part of the applicant that the work shall be done in full compliance with all related ordinances of the Town and the laws of the State of Connecticut and that the applicant shall hold the Town harmless from and indemnify it against any and all actions, suits, demands, payments, costs and charges for or by reason of the proposed opening or excavation and all damages to persons or property resulting in any manner therefrom or occurring in the prosecution of corrected work or from any other related matter.

§ 139-20. Construction procedures.

- A. Any person who opens or excavates any street in the Town shall thoroughly and completely refill the opening or excavation, puddling and ramming so as to prevent any settling thereafter; and shall restore the surface to the same condition as it was before the opening or excavation, and such restoration shall be in accordance with the specifications of the Engineering Division of the Town of Wethersfield for roadway standards of streets in the Town. The surface shall conform to the proper grade and be of the same surface covering as the part of the thoroughfare immediately adjoining the opening. If, within five years after the restoration of the surface, defects appear, the contractor shall repair the defect within 12 hours. If the Town Engineer or his representative deems that an emergency exists, repairs will be completed by the most expeditious means possible. All repair costs shall be reimbursed to the Town or charged to the excavator's surety bond.
- B. The backfill of trenches within the roadway limits and paved areas shall be placed in layers not more than 12 inches thick and shall be thoroughly compacted by tamping or other approved means to the satisfaction of the Town Engineer or his designated agent. The materials used for backfill shall be subject to the inspection and approval of the Town Engineer or his agent, and if, in his opinion, the excavated material is unsuitable for backfill, the contractor shall dispose of this unsuitable material and substitute approved bank run gravel or other material in the amounts and proportions specified by the Town Engineer. When the backfill has been completed within 12 inches of the finished pavement on the surface grade, the first eight inches shall be filled and compacted using an approved grade of processed stone and then covered with four inches of bituminous concrete placed in two lifts, as shown on the standard drawings of the Engineering Division. All trenches shall be covered with a suitable bituminous patching material at the end of every workday.
- C. Final patching shall be completed within six months and shall conform to the Town of Wethersfield Standard Roadway Construction Drawings and Specifications.¹

- D. All other work in connection with openings in any street, including excavation, protection, refilling and temporary paving, shall be done by the applicant at his expense, and all such work shall be subject to the provisions of this article and to the supervision and approval of the Town Engineer.

§ 139-21. Notification of Police and Fire Departments.

The contractor shall notify the Police Department and the Fire Department 24 hours in advance of making any excavation which requires blocking more than 50% of the width of the street. Police protection, if required, shall be at the expense of the contractor.

§ 139-22. Restrictions.

- A. No opening or excavation in any street shall extend from the curblin into the highway a distance greater than one foot beyond the center line of the street before being refilled and the surface of the highway restored to a condition safe and convenient for travel to the satisfaction of the Town Engineer.
- B. No more than 500 feet longitudinally shall be opened in any street at any one time.
- C. The work of excavation shall be so conducted as not to interfere with the water mains, sewers or their lateral connections or any other subsurface utility until permission of the proper authorities has been obtained.
- D. The contractor shall at all times at his own expense preserve and protect from injury all adjoining property by providing proper foundations and taking other measures suitable for the purpose. The contractor shall, at his own expense, shore up and protect all buildings, walls, fences, or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damage to public or private property or highways resulting from his operations.
- E. No tunneling to include pipe jacking and pneumatic or vibratory boring or piercing tools shall be allowed without the express approval of the Town Engineer and permission therefor endorsed upon the permit. The backfilling of a tunnel excavation shall be made only in the presence of the Town Engineer or an inspector designated by him and shall be done only in a method approved by him.
- F. No contractor shall make a trench cut of over 48 inches in width without first obtaining special permission from the Town Engineer or his designated agent.
- G. On all streets, a temporary paving satisfactory to the Town Engineer, thoroughly bound and compacted, shall be installed flush with the surface of the adjoining paving at the end of each work day.
- H. As the excavation work progresses, all streets shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris. The contractor shall take necessary precautions to prevent and avoid dust and to keep the streets clean each day. All cleanup operations shall be accomplished at the expense of the contractor and shall be carried out to the satisfaction of the Town Engineer.

1. Editor's Note: Said documents are on file in the Town offices.

- I. Each contractor shall conduct and carry out excavation work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property and in strict compliance with the provisions of Chapter 105, Noise Control, of the Code of the Town of Wethersfield.

§ 139-23. Safeguards.

During the making of any street excavation, every reasonable precaution shall be taken by the applicant to keep the street in a safe and passable condition both day and night. Unless emergency conditions exist, construction or maintenance operations which will result in the narrowing or closing of the travel portion of any arterial street will not be permitted prior to start of peak hour traffic. Traffic-control devices must be set up prior to the start of construction or maintenance operations and shall be properly maintained during the time such special conditions exist. They shall remain in place only as long as they are needed and shall be immediately removed thereafter. Where operations are performed in stages, there shall be in place only those devices that apply to the conditions present during the stage in progress, and such devices shall be covered or out of the view of traffic at times when they do not apply. Payments to traffic flagmen or police where required by the Chief of Police or the Town Engineer shall be the responsibility of the contractor.

§ 139-24. Penalties for offenses.

The penalty for each violation or offense shall be \$100 and each and every twenty-four-hour period of failure or neglect to comply with the provisions of this article shall be deemed a separate offense or violations. Licensed contractors failing to obtain the required permit shall also be subject to license suspension for a period of not more than 90 days.

ARTICLE IV
Enforcement

§ 139-25. Enforcement.

This chapter, pertaining to Chapter 139, Articles I and III, has been specifically designated for enforcement by citations issued by designated municipal officers or employees, and the citation hearing procedure established by Chapter 73, Article I, of the Code of the Town of Wethersfield shall be followed.