

ORDINANCE REPEALING and REPLACING THE TOWN OF ANDOVER "ORDINANCE REGULATIONS CONCERNING INSTALLATIONS OF DRIVEWAYS CONNECTING WITH HIGHWAYS MAINTAINED BY THE TOWN OF ANDOVER, (#60-03)," as amended, and the "ORDINANCE PROHIBITING EXCAVATION OF TOWN ROADS OR RIGHTS-OF-WAY (#74-02)," as amended.

WHEREAS, The Board of Selectmen and Town Officials responsible for enforcement of local ordinances and regulations have become aware that the "**Ordinance Regulations Concerning Installations of Driveways Connecting with Highways Maintained by the Town of Andover,**" (#60-03), and the "**Ordinance Prohibiting Excavation of Town Roads or Rights of Way,**" (#74-02) may be honored as much in their breach as in their observance by some contractors and property owners, so in furtherance of the public services, town highways, public safety and environmental protection provisions of **General Statutes section 7-148** regarding the "**Scope of municipal powers**" and in conformity with **section 7-148(c)(10)** regarding enforcement and penalties for violation of the same, It is hereby enacted by the **Town of Andover** that:

SECTION ONE. The "Ordinance Regulations Concerning Installations of Driveways Connecting with Highways Maintained by the Town of Andover," (#60-03), and the "Ordinance Prohibiting Excavation of Town Roads or Rights of Way," (#74-02) be **REPEALED** in their entirety, and are **REPLACED** as follows:

SECTION TWO. No person or entity shall for the purpose of constructing, installing or improving a driveway excavate, alter or change the grade of any land, impede or alter any ditch or watercourse or install any bridge or culvert, or excavate for any purpose in such a manner as to in any way interfere with or endanger travel on any Town road or right-of-way within the limits of any highway maintained by the Town of Andover, except in accordance with plans and specifications approved by the Supervisor of the **Town Department of Public Works** or their designee, and except after receipt of a permit issued pursuant thereto by the Department.

SECTION THREE. A written application to obtain a permit to excavate must be filed with the **Department of Public Works** including the location and plan of operation together with an outline of safety precautions to be used at the job site and such other information as the Department of Public Works may deem necessary. A fee of **ONE HUNDRED DOLLARS (\$100.00)** shall be charged for the processing of any such application by the **Department**. Said **Supervisor** or designee may refuse to approve any such plans and specifications which they believe fails to sufficiently show that the driveway to be constructed or modified in accordance therewith would not unduly interfere with the use, safety, maintenance or drainage of any **Town** highway.

SECTION FOUR. No approval shall be given and no permit issued until the applicant shall file with the **Public Works Department** a cash performance bond in the amount of **FIVE HUNDRED DOLLARS (\$500.00)** to ensure completion of the work according to the approved plans and specifications, and a certificate of liability insurance acceptable to the **Department**. Any such bond must be able to be drawn on-site from a location within the State of Connecticut, and must be in the form of cash or certified check, passbook with assignment to the **Town of Andover**, or approved letter of credit from a bank located in Connecticut.

SECTION FIVE. By acceptance of the permit, the permittee agrees to save the **Town** harmless from any and all costs and damages, to complete the work within the time limit specified in the permit, and to restore the area to its original or better condition. If the requirements of this **Ordinance** or the permit are not fulfilled such amount of said bond shall be forfeited or the permittee shall be billed as necessary to cover costs of having the work or necessary repairs completed by the **Town**.

SECTION SIX. At least one-way traffic shall be maintained at all times and protective barricades and lights approved by the **Public Works Department** shall be placed by the permittee as necessary to protect the public, and suitable traffic control must be maintained. After issuance of the permit the permittee shall notify the **Public Works Department** 24 hours before commencing the work.

SECTION SEVEN. If the **Supervisor** or any other employee or official of the **Public Works Department** encounters any situation in which any contractor and/or contracting property owner or occupant prior to commencing any such excavation or work has failed to:

1. apply for a permit,
2. obtain a permit,
3. post a sufficient bond, or
4. in the opinion of the **Public Works Supervisor** or other appropriate **Town** official or employee to sufficiently ensure public safety per **Sections Five and Six**, above,

Such **Supervisor**, employee or official shall immediately or as soon as practicable provide written warning to any such contractor and contracting property owner or occupant that they shall immediately or with all due haste fully cease and desist from any such excavation, installation or other work noted in **SECTION TWO**, above, and likely remove all excavation equipment from the site until they are in compliance with items 1, 2, 3 and 4, above as determined by the **Supervisor of Public Works** or their designee, or the violating contractor and property owner or occupant receiving any such warning may each be subject to citation for a penalty of **TWO HUNDRED and FIFTY DOLLARS (\$250.00)**, or the maximum penalty permitted by **GENERAL STATUTES SECTION 7-148(c)(10)** for each individual violation of the requirements of items 1, 2, 3 or 4, above, after receiving such written notice of any such violation, and failing to duly and timely comply with the requirements of any such written warning provided to them.

SECTION EIGHT. Any Notice of Violation, Citation or Determination of Liability for a Penalty under this **Ordinance** may be initiated by any official or employee of the **Town of Andover Department of Public Works**, and appealed by any alleged offender pursuant to the **Town of Andover Hearing Procedure for Citations Ordinance**.

