

Town of Tiverton

Fee, \$ _____

PETITION

Date: _____

The undersigned respectfully requires that license may be granted to: _____
_____ FOR

Petroleum License (capacity _____ gallons) Sunday License Victualling License

Tobacco Dealer's License Miscellaneous: _____

At his place of business located at _____
in said Town of Tiverton for the term of _____ unless sooner revoked.

Signed: _____ Home Address: _____

Print Name

Title: _____ Telephone #: _____

TOWN OF TIVERTON RHODE ISLAND

PETITION

DATE: _____

THE UNDERSIGNED HERBY RESPECTFULLY REQUEST OF YOUR HORNORABLE BODY THAT A STREET EXCAVATOR'S LICENSE BE GRANTED TO: _____ OF
NAME (PLEASE PRINT)

_____, A () SOLE PROPRIATORSHIP
COMPANY NAME () PARTNERSHIP
 () CORPORATION _____
TITLE

OTHER STREET EXCAVATOR'S LICENSES HELD

_____ HOW LONG _____

_____ HOW LONG _____

_____ HOW LONG _____

* SIGNATURE: _____

ADDRESS: _____

TOWN: _____ STATE _____ ZIP _____

BUSINESS TELEPHONE NO.: _____

RESIDENCE TELEPHONE NO.: _____

NOTE:

PETITION MUST BE RETURNED TO THE TOWN CLERK
BY 3:00 P.M. ON TUESDAY PRIOR TO COUNCIL MEETING.

APPROVED:

PUBLIC WORKS: _____

TOWN COUNCIL: _____

*** BY SIGNING THIS PETITION, I CONSENT TO EXAMINATION AND RELEASE OF RECORDS AND INFORMATION REGARDING MY BACKGROUND, INCLUDING POLICE RECORDS, EDUCATIONAL INFORMATION, RESIDENCE RECORDS, AND ANY COURT RECORDS.**

STREET EXCAVATOR

APPLICATION FEE

All persons desiring to be licensed in the Town of Tiverton as a street excavator shall file an application with the Town Clerk accompanied by a license fee of \$150.00

SUMISSIONS REQUIRED PRECEDENT TO ISSUANCE

As a condition precedent to the issuance of a street excavator license, the following items must be on file with the Town Clerk:

1. A performance bond in the amount of \$10,000.00 issued by a responsible company.
2. A certificate of insurance naming the Town of Tiverton as an additional named insured with limits of not less than:
 - a. General Liability \$1,000,000.00/\$2,000,000.00
 - b. Workers Compensation as required by Rhode Island state law
 - c. Vehicle Liability: \$1,000,000.00/\$2,000,000.00

The certificate of insurance shall provide thirty (30) days written notice to the Town of Tiverton (Director of Public Works) prior to cancellation.

TERM

All licenses shall be for a calendar year or such lesser period as determined by the date of issuance.

RENEWAL

All licenses must be renewed annually and will be granted only to those applicants who are in good standing as determined by the Town of Tiverton through its Director of Public Works. Prior to renewal, each licensee must pay a \$150.00 fee and show proof that the performance bond remains in effect. The licensee must also provide a new Certificate of Insurance indicating coverage for the succeeding calendar year.

APPROVAL

All applications will be submitted to the Tiverton Town Council for approval with a recommendation on the application provided by the Director of Public Works. A public hearing shall not be required.

FINE OR REVOCATION

Any infraction of this section will be grounds for action by the Public Works Director and/or the Town Administrator. Such action may be any or all of the following:

1. Revocation of license;
2. Fine of up to \$500.00 for each and every infraction, with each day that the infraction continues constituting a separate offense; or
3. Compensation equivalent to the cost to rectify error or breach of rule or regulations. Any party aggrieved of action of the Director or Administrator may appeal to the Town Council. The action of the Town Council shall be final.
4. Suspension of any other outstanding permits, and/or disapproval of issuance of any future permits until the infraction is rectified.

Adopted: July 24, 2006

Section 70-3 Subsection (a) Amendment

Sec. 70-3. Excavations.

(a) Permits. Only excavating contractors or public utility companies (hereinafter “street excavators”), licensed by the town as set forth in subsection (b) below, shall be allowed to dig into or otherwise break the surface of any public street or way in the town. Prior to proceeding with any such digging or excavating in any public street or way in the town, the street excavator shall first obtain from the Director of Public Works a permit which shall be issued only after:

- (1) A plan is filed with the department of public works setting forth the location and extent of the proposed work;
- (2) The applicant has paid the Director of Public Works a fee of \$100.00 to cover the expenses of the issuance of the permit and the requisite inspections;
- (3) The applicant has filed with the Town Clerk a bond satisfactory to the Director of Public Works in an amount as follows:
 - a. For utility services not exceeding four permits in a calendar year a bond of \$10,000.00 shall be sufficient. For each additional utility service permit, the bond shall be increased by \$2,500.00.
 - b. For utility main replacements, utility main extensions, or similar large projects, a bond or certified check equal to the estimated cost of the street repair as determined by the Director of Public Works, but in no event less than \$10,000.00 shall be filed with the Town Clerk by the applicant.
- (4) The street excavator shall verbally notify the Director of Public Works of any significant deviation from the approved plans prior to performing additional work. The Director of Public Works shall determine if additional bonding is necessary and shall advise the street excavator. The permit and accompanying plans may be modified in writing to allow additional work. Any work performed that significantly deviates from the approved plans, and that has not been approved in writing by the Director of Public Works, shall be grounds for cancellation of the permit. The Director of Public Works or his/her designee may issue an immediate cease and desist order. The Director, upon issuance of such order, shall schedule a hearing, if one is sought in writing by the permit holder, within 48 hours.
- (5) Permit applications shall be submitted to the Director of Public Works as far in advance as possible, but not less than forty-eight (48) hours in advance of intended project commencement. The applicant shall provide a schedule for the work with the permit application and shall verbally notify the Director of Public Works or any schedule changes. In the event of an emergency, work may commence and/or proceed without a permit, provided that immediate verbal notice is given both the Officer on Duty of the Tiverton Police Department, and to the Director of Public Works, or if he or she is unavailable, the verbal notice shall be given to the Director of Public Works on the next regularly scheduled business day. A permit application for emergency work shall be submitted to the Director of Public Works within two business days following the emergency work being commenced.

(b) Street Excavators. All persons or corporations, including public utility companies, desiring to be licensed in the town as a street excavator shall file an application with the town clerk accompanied by a license fee of \$150.00.

- (1) Submissions required precedent to issuance: As a condition precedent to the issuance of a street excavator's license, the following items must be on file with the Town Clerk:
 - (a) A bond issued by a responsible company as set forth in subsection (a) above.
 - (b) A certificate of insurance naming the town as an additional named insured with limits of not less than:
 - (a) General liability: \$1,000,000.00/\$2,000,000.00
 - (b) Workers compensation as required by state law.
 - (c) Vehicle liability: \$1,000,000.00/\$2,000,000.00
 - (d) The certificate of insurance shall provide 30 days written notice to the town (Director of Public Works) prior to cancellation.
- (2) Term: All licenses shall be for a calendar year or such lesser period as determined by the date of issuance.
- (3) Renewal: All licenses must be renewed annually and will be granted only to those applicants who are in good standing as determined by the town through its Director of Public Works. Prior to renewal, each licensee must pay a \$150.00 fee and show proof that the security bond remains in effect. The licensee must also provide a new certificate of insurance indicating coverage for the succeeding calendar year.
- (4) Approval: All applications will be submitted to the Town Council for approval with a recommendation on the application provided by the Director of Public Works. A public hearing shall not be required.
- (5) Fine or revocation: Any infraction of this section will be grounds for action by the Public Works Director and/or the Town Administrator. Such action may be any or all of the following:
 - (a) Revocation of license;
 - (b) Fine of up to \$500.00 for each and every infraction, with each day that the infraction continues constituting a separate offense; or
 - (c) Compensation equivalent to cost to rectify error or breach of rule or regulation;
 - (d) Suspension of any other outstanding permits, and/or disapproval of issuance of any future permits until the infraction is rectified.
 - (e) Any party aggrieved of action of the Director or Administrator may appeal to the Town Council. The action of the Town Council shall be final.

- (c) Finished or hard-surfaced streets. When digging is done in a so-called finished or hard surfaced street or way, the contractor must comply with the following:
- (1) All excavations in paved street surfaces shall be cut in a neat, straight line. No trench will remain open overnight and the contractor shall schedule his operations accordingly.
 - (2) Backfill material shall be suitable sand or gravel, shall be placed in lifts of eight inches and thoroughly compacted by an approved mechanical compactor. Excavated material may be used if approved by the Director of Public Works or a professional engineer. Within 12 inches of the sub grade of the pavement, the backfill material shall be good, clean bank run or processed gravel, compacted in lifts of six inches.
 - (3) Temporary pavement or cold mix shall be used and shall be rolled or tamped in place so that the top of the refilled excavation is even with the surrounding road level. No refilled excavation is to be left overnight without some form of approved temporary patch.
 - (4) Within a period of not less than two, nor more than three months after excavation is filled, as specified herein, the contractor must remove the temporary patch and replace it with hot bituminous plant mix.
 - (5) The patch material shall be equivalent in thickness to the existing abutting pavement, but not less than three inches thick, applied in layers and extended one foot beyond the preceding layer. The surface layer shall be one and one-half inches of bituminous concrete, compacted separately. Under no circumstances will the trench be left overnight without a bituminous material cover.
 - (6) Where indicated on the drawings or where directed by the Director of Public Works, the roadway surface shall be repaired by the infrared method. Specifications will be supplied by the Department of Public Works.
- (d) Unpaved or unfinished streets, ways or shoulders: When digging in unpaved streets or ways or along unpaved or unfinished shoulders of hard-paved streets or ways:
- (1) All fill is to be tamped down in layers as it is installed so that the finished work will be brought back to the original height of the road or shoulder.
 - (2) The top twelve inches of backfill shall be a good clean bank run or processed gravel compacted in lifts.
- (e) Large projects and curb-to-curb excavations. When a road will be excavated for utility main replacements, utility main extensions, or similar large projects, the contractor shall provide a curb-to-curb overlay after patching. The Director of Public Works shall prescribe the thickness and method of applying the overlay. The Director of Public Works shall also have the discretion to waive curb-to-curb overlay for good cause.
- (f) Traffic Control. All work done on town streets is to be planned and scheduled so that a minimum of one lane of the flow of traffic is not interrupted along the street. Excavated material, if interfering with traffic, is to be immediately picked up and removed from the site. When directed by the Director of Public Works or the Chief of Police, the contractor is to request and pay for the services of a policeman.

Adopted by vote of the Tiverton Town Council on Monday, July 24, 2006.

REQUEST TO BE PLACED ON THE AGENDA

FOR A MEETING OF THE

TIVERTON TOWN COUNCIL

1. **NAME OF PERSON OR ORGANIZATION:**

2. **SUBJECT OF AGENDA REQUEST:**

3. **EXPLAIN NATURE OF THE REQUEST:**

(Please be precise so that the Council will be fully aware of the request and/or complaint.)

SIGNATURE: _____ **DATE:** _____

Please Note: Unless otherwise instructed, this request will be a public document. A copy of this request and any attachments will be given to each Councilor prior to the meeting and, if applicable, to any appropriate department, board, commission, and/or officer.

Agenda items must be submitted to the Town Clerk's office before 3:00 p.m. on the Tuesday prior to the meeting date.