

ORDINANCE 1638
ADOPTED 7/19/10
PUBLISHED 7/22/10

**AN ORDINANCE CONCERNING AN INCREASE IN RIGHT-OF-WAY PERMIT FEES
AND OTHER AMENDMENTS TO CHAPTER 19, ARTICLE III OF THE NORWICH
CODE OF ORDINANCES**

WHEREAS, the City has experienced an increase in the cost of administering right-of-way permits and;

WHEREAS, the City has not increased the fee structure for right-of-way excavations since 1970.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH, that, effective August 1, 2010, the following portions of the City of Norwich Code of Ordinances be and hereby are amended:

ARTICLE III. OPENINGS, EXCAVATIONS AND UNDERGROUND STRUCTURES

Sec. 19-40. Definition.

The term "permit area," as used in this article, shall mean the area within the right-of-way of any city street.

Sec. 19-41. Prescribing excavation rules, regulations and specifications.

The director of public works may adopt from time to time such rules, regulations and specifications for the conduct of work incidental to the excavations of streets and sidewalks as he may deem for the best interest of the city. The violation of any such rule or regulation shall be unlawful.

Sec. 19-42. ~~Excavation~~ Right-of-Way permit--Required; copy on the site.

No person shall make any excavation within the City right-of-way, including, but not limited to in or dig below the surface of any street or sidewalk, ~~in the city~~ unless he has obtained a permit so to do issued by the director of public works.

A copy of the permit shall be on file at the site of the work for examination at any time by any police officer or other authorized agent of the city or state.

Sec. 19-43. Same--Work commencement prior to issuance.

Whenever the exigencies of public health or safety require that work be done within a permit area, and the procurement of a permit is impracticable, it shall be lawful for the work to be commenced without a permit; provided, however, an application is made for such permit within 48 hours of the emergency.

Sec. 19-44. Same--Application.

Before a permit required by section 19-42 is issued, a written application, on a form furnished for that purpose, shall be filed with the director of public works setting forth (a) the name and address of the applicant, (b) the proposed work to be done, (c) the time and place the proposed work is to be done, and (d) such other information as the director may require.

Sec. 19-45. Same--Fees.

(a) Upon filing the application required by section 19-44, each applicant, except the department of public utilities of the city, shall pay to the city a permit fee of ~~\$10.00~~ \$50.00 for each opening or excavation within a permit area.

(b) In addition, each applicant shall pay to the city for openings or excavations in a paved surface and/or any sidewalk ~~the a following~~ repairing and inspection fees: fee of \$20 per square yard.

TABLE INSET:

| Type of Surface | Fee Per Sq. Yd. | Minimum Fee For Opening |
|--|----------------------------|------------------------------------|
| Oiled gravel surface | \$ 5.00 | \$10.00 |
| Concrete | 10.00 | 25.00 |
| Crushed stone, with asphalt penetration | 10.00 | 20.00 |
| Concrete or brick base with bituminous concrete surface | 10.00 | 35.00 |

Sec. 19-46. Same--Time of work commencement under.

No permit shall be valid unless the work specified therein shall be commenced within a period of 15 days from the date of issuance, but a renewal thereof may be obtained without additional charge by filing a statement containing the reason for the delay.

Sec. 19-47. Indemnity bond.

The director of public works ~~shall~~ may require such permittee to file a surety bond, public liability policy, or other form of security satisfactory to the purchasing agent in a sum sufficient to indemnify the city for any liability incurred by it as a result of the exercise of such permit.

Sec. 19-48. Continuous work, required; backfilling; installation of permanent paving.

All work under this article shall proceed uninterrupted to the completion thereof, and such openings or excavations shall be immediately backfilled, in accordance with the rules and regulations adopted by the director of public works.

Permanent paving shall be constructed by the city within 60 days after installation of temporary paving. If, within one year, defects shall appear as a result of improper backfilling by the applicant, the applicant shall reimburse the city for the cost of necessary repairs or the City may seek reimbursement from the indemnity bond.

City Manager Alan H. Bergren

AN ORDINANCE EXEMPTING CONGREGATION BROTHERS OF JOSEPH SYNAGOGUE FROM THE PAYMENT OF TAXES ON CERTAIN PROPERTY LOCATED AT 2 SLATER AVENUE

WHEREAS, that certain property located at 2 Slater Avenue, Norwich, Connecticut was purchased by Congregation Brothers of Joseph Synagogue on December 11, 2008 to be used as the dwelling house of the Rabbi; and,

WHEREAS, said property since December 11, 2008 has been used as the dwelling house of the Rabbi by the Congregation Brothers of Joseph Synagogue; and,

WHEREAS, said property would not be tax exempt on the Grand List of October 1, 2008; and,

WHEREAS, Connecticut General Statute Section 12-81(b) provides that any municipality may, by ordinance, provide that the property tax exemption authorized by any of subdivisions (7-16), inclusive, of section 12-81 shall be effective as of the date of acquisition of the property to which the exemption applies and shall, in such ordinance, provide procedure for reimbursement of the tax-exempt organization for any tax paid by it for a period subsequent to said date; and,

WHEREAS, Connecticut General Statute Section 12-81(15) provides that real property, used by officiating clergymen as dwellings, shall be exempt from taxation; and,

WHEREAS, Congregation Brothers of Joseph Synagogue has paid the annual real estate taxes for the property located at 2 Slater Avenue in the total amount of \$3,334.54; and,

WHEREAS, Congregation Brothers of Joseph Synagogue, owned the property located at 2 Slater Avenue for a period of 262 days on the October 1, 2008 grand list; and,

WHEREAS, the daily taxes for the property located at 2 Slater Avenue are \$9.14; and,

WHEREAS, Congregation Brothers of Joseph Synagogue would be entitled to a reimbursement in the amount of \$2,394.68; 262 days multiplied by \$9.14.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH that such property at 2 Slater Avenue be and hereby is exempted from the payment of any real estate taxes, interest or penalty due on the Grand List of October 1, 2008, or until said premises are no longer used by Congregation Brothers of Joseph Synagogue as the dwelling house of the Rabbi and the City of Norwich shall reimburse Congregation Brothers of Joseph Synagogue for any City of Norwich real estate taxes paid by it on the Grand List of October 1, 2008 for the period subsequent to December 11, 2008; which reimbursement shall be in the sum of \$2,394.68 for real estate taxes paid to the City of Norwich.