

# INDEMNIFICATION AGREEMENT

Know all men by these present, that \_\_\_\_\_, hereinafter called "the Contractor", hereby  
(Company name)  
agrees to indemnify and hold harmless the Town of Tiverton, hereinafter called "the Town", for a period of one  
(1) year from the completion date of permitted work from any claim against said Town arising out of  
construction and/or excavation work performed by the Contractor under a license issued to it by the said Town  
for work done in \_\_\_\_\_, which license application is dated \_\_\_\_\_.  
(Street name) (Date)

All vouchers and other evidence of payment of any loss, liabilities, costs, damages, charges, or expenses of  
whatsoever nature incurred by the Town or its attorneys shall be taken as conclusive evidence against the  
Contractor, its heirs, executors, administrators, or assigns of that fact and extent of Contractor's liability to the  
Town.

IN WITNESS WHEREOF, said Contractor has hereunto set its hand and seal on

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of applicant)

\_\_\_\_\_  
(Printed name of applicant)

# Town of Tiverton, Rhode Island

## Street Opening Application and Permit

Date: \_\_\_\_\_

Name of Street To Be Opened	Dig Safe No.	Type of Connection	Fee Paid
Applicants Name	Address	Phone No.	
Start Date	Completion Date		
Name and Address of Property Owner			
Description of Work To Be Performed: _____ _____ _____			
Plan of Work To Be Performed			

The above Street Excavator is hereby granted permission to perform the above excavation in adherence with the specifications and limits outlined in the town code section 70-3 excavation (see on reverse side).

This permit is granted only for the designated area stated under "DESCRIPTION OF WORK" and no other.

Approved: \_\_\_\_\_  
Director of Public Works

\_\_\_\_\_  
Signature of Applicant

Sec. 70-3.2. - Excavations.

- (a) *Permits.* Only an underground utility contractor, as defined in G.L. § 5-65.3-2, duly licensed by the state contractors registration and licensing board as set forth in subsection (b) below, or a public utility, 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 underground utility contractor 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 underground utility contractor 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 underground utility contractor. 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 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 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 of 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 to 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) *Underground utility contractors.* All persons or corporations desiring to be licensed by the state contractors registration and licensing board as an underground utility contractor shall obtain said license in accordance with state law.
- (1) *Enforcement.* Any infraction of this section will be grounds for the public works director and/or the town administrator to file a complaint with the state contractors registration and licensing board, and to seek any administrative remedies or take any enforcement action authorized by state law.
- (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 subgrade 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 fills 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 12 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.

(Code 1967, § 22-4; Ord. of 3-25-96; Ord. of 9-28-98; Ord. of 11-25-02; Ord. of 7-24-06(3); Ord. of 10-27-08(2); Ord. of 3-31-16)

**Editor's note—** An ordinance of October 27, 2008, renumbered this section from § 70-3 as § 70-3.2.

**Cross reference—** Earth removal, § 38-56 et seq.