

Arlene D. Petit  
Town Clerk

**AN ORDINANCE AMENDING CHAPTER 62**  
**OF THE CODE OF ORDINANCES OF THE**  
**TOWN OF JAMESTOWN**

THE TOWN OF JAMESTOWN HEREBY ORDAINS AS FOLLOWS:

Chapter 62 of the Jamestown Code of Ordinances is hereby amended by adding the following Article I thereto:

ARTICLE I. EXCAVATION OF PUBLIC HIGHWAY PERMIT

**Sec. 62-1. Applicability of article.**

This article shall not apply to excavating or digging conducted by the department of public works in the construction, improvement or maintenance of state roads; to the department of water supply in the construction, improvement or maintenance of the town water service; or to activities conducted or approved by the Tree Warden..

**Sec. 62-2. Required.**

No person shall excavate or dig into any portion of any of the public highways of the town without having first obtained the special permit mentioned in section 62-3.

**Sec. 62-3. Application; bond; issuance; designation of purpose, time and place; retention of duplicate.**

(a) The director of public works may at any time issue a special permit authorizing any person to excavate or dig into the public highways of the town. Before issuing such special permit, however, the director of public works shall first receive from such person a written application setting forth the name and address of such applicant and a designation of the particular portion of the public highways which the applicant desires to excavate or dig into and a designation of the purpose for which such excavation or digging is to be carried on.

(b) Before issuing such special permit, the director of public works shall first receive a bond from such applicant running to the town, in such sum not less than \$1,000.00 as the director of public works may fix, with such sureties as are satisfactory to the director of public works. The bond shall contain a condition that the obligation of the bond shall be in full force and effect

unless the applicant shall, upon final completion of work, leave such public highways in as good condition as before the commencement of the work and unless the town shall be held free and harmless from all loss or damage arising because of any fault or neglect on the part of the applicant in the performance of the work.

(c) Such special permit, if issued by the director of public works, shall designate the purpose of the excavating or digging permitted and shall designate the particular portion of the public highways to be excavated or dug into and, also, the time limit within which such excavation or digging shall be completed. The director of public works shall retain on record a duplicate of the permit.

**Sec. 62-4. Compliance with purpose, time and place designated.**

No person who has received the special permit provided for in section 62-3 shall be authorized to excavate or dig into the public highways of the town at any other time or place or for any other purpose than the time, place and purpose designated in such special permit.

**Sec. 62-5. Compliance with orders and rules of director of public works.**

No person who has received the special permit provided for in section 62-3 shall do any work, excavating or digging under the permit, except in conformity with such orders, rules or regulations, general or special, established by the director of public works, as shall have been brought to the attention of such person by notice in writing from the director of public works.

**Sec. 62-6. Revocation.**

The director of public works may at any time revoke any special permit issued pursuant to this article, and thereupon such person holding the special permit shall cease to excavate or dig into the public highways of the town.

**Sec. 62-7. Notice to fire chief and chief of police on issuance.**

Upon issuance of the special permit as provided in this article, the director of public works shall forthwith notify the chief of police and the fire chief of the location, size and probable duration of the excavation or digging for which such special permit is granted, together with the name and address of the permittee.

**Sec. 62-8. Compensation for inspection services.**

Upon issuance of each special permit as provided in this article, the director of public works shall estimate the number of employee hours necessary for town inspection service, and the permittee shall pay to the town an inspection fee in the amount specified by the director of public works. The total fee for each permit shall not exceed \$500.00. If the estimate of employee hours turns out to be deficient or excessive, the permittee will be required to pay the difference or will be refunded accordingly at a similar rate.

**Sec. 62-9. Penalty for violation of article.**

Any person who shall violate any of the sections of this article or who shall fail to comply therewith or with any of the requirements of this article shall be guilty of a misdemeanor and, upon conviction, shall be liable to a fine in accordance with section 1- 15 of the Code of Ordinances.

This ordinance will take effect upon passage.