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TOWN ENGINEER

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TEMPORARY ENCROACHMENT PERMIT APPLICATION

Per Executive Order No. 7MM

Pursuant to the authority granted in Executive Order No. 7MM issued by His Excellency, Ned Lamont, on May 12, 2020 (“EO 7MM”), the Town of Branford has established the following temporary encroachment permit (a “Permit”) process to assure the expedited municipal review of applications for a permit to conduct Outdoor Activities (as defined in Section 2(a) of EO 7MM) roadways, sidewalks and/or non-vehicular right-of-ways located in the Town of Branford (“Public Throughways”).

Any Permit granted pursuant to this process shall permit Outdoor Activities on Public Throughways, subject to a 6-foot clearance for pedestrian passage and such reasonable conditions as may be imposed from time to time by the Engineering, Police and/or Fire Departments, including without limitation the requirements set forth as follows:

Insurance Certificate

No Permit for Outdoor Activities on a Public Throughway shall be granted until the applicant files with the Engineering Department a Certificate of Insurance that meets or exceeds the requirements in Attachment ‘A’. With the exception of Workers’ Compensation and Employer’s Liability Insurance, said Certificate of Insurance shall name the Town of Branford, its officers, agents, servants, and employees as additional insureds with a waiver of subrogation

Indemnification

To the fullest extent permitted by law, the applicant and such applicant’s subcontractors, independent contractors, officers, servants, employees, or agents, shall indemnify and hold harmless the Town of Branford, and its agents, officers, servants, directors and employees from and against any and all liability, loss, claims, damages, fines, penalties, costs and expenses (including reasonable attorney's fees), judgments and awards related to or arising out of any Outdoor Activities (collectively, "Damages") sustained, incurred or suffered by or imposed upon the Town or its agents, officers, servants, directors and employees.

Permit Fee

There is no fee being charged for Permit.

Bond Required

Before a Permit is granted, the applicant will be required to provide the Town Engineer with a Permit bond. This is required for any damages made to Town roadways, sidewalks, and/or Right-of-Ways as a result of the activities of the permittee. The bond shall be an insurance bond issued by an approved surety company licensed in the state with the Town of Branford as beneficiary, or a cash bond in the form of a check or money order.

Such bond shall be for a minimum of \$500.00. Insurance bonds shall be kept in force for the duration of the Outdoor Activities and for a period of three months after to allow for a final damage assessment of the immediate areas. Cash bond refunds can be requested after the final damage assessment.

The Town Engineer may require the permittee to make repairs to or compensate the Town for repairs to any areas in the immediate vicinity of the Outdoor Activities that have been damaged by the activities of the permittee as a result of such Outdoor Activities. Written notice will be sent to the permittee notifying them of any damage found during the final assessment, the repairs required, and a timeline to perform those repairs. In the event the permittee does not comply with the repair requirements set forth in the notice, said repairs will be performed by the Town or their contractors and paid for by the permittee's permit bond.

Questions Regarding a Permit

Contact the Engineering Department at 203-315-0606 for information regarding the Temporary Encroachment Permit. Generally, permits are issued Monday through Friday, between 8:00 A.M. and 4:00 P.M. excluding holidays.

General Conditions

The holder of this permit assumes all responsibility connected with the Outdoor Activities. The presence of a representative of the Town of Branford does not relieve the permit holder of this responsibility either for the quality or nature of said encroachment, or accidents to persons or property resulting therefrom.

Where an encroachment involves or affects a public sidewalk, a 6 foot clearance for pedestrian passage must be maintained and must further meet the requirements of the Americans with Disabilities Act at all times. If the remainder of the sidewalk cannot be kept compliant with the above, an accessible temporary sidewalk meeting the requirements of the Americans with Disabilities Act shall be constructed or provided, which shall be safe for pedestrian travel and convenient for users, and which shall be barricaded and otherwise protected from vehicular traffic.

Where an Outdoor Activity encroaches upon any portion of a roadway or parking space, entry to the must be constructed to be accessible and meet the requirements of the Americans with Disabilities Act at all times.

A Permit is subject to revocation at any time by the issuing authority, or in the event of the failure by the permittee to comply with any of the terms of a Permit.

The acceptance of a Permit constitutes agreement to all the conditions/restrictions set forth in this Permit Application.


TOWN OF BRANFORD
OFFICE OF THE TOWN ENGINEER
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TEMPORARY SIDEWALK/ROADWAY ENCROACHMENT PERMIT APPLICATION
Per Executive Order No. 7MM

General Information

Permittee's Name: _____

Permittee's Address: _____

Contact Person: _____ Business Phone: _____

24-HR Emergency Phone (required): _____

Email Address: _____

Location & Description of Proposed Encroachment

Location of Encroachment*: _____

(*Reference house number, nearest intersection, lot/space number, etc)

Description of Encroachment: _____

THE UNDERSIGNED HEREBY AGREES THAT IN THE EVENT THE PERMIT HEREIN APPLIED FOR IS GRANTED, ALL ENCROACHMENTS UNDER SAID PERMIT WILL BE IN ACCORDANCE WITH THE PROVISIONS OF THIS TEMPORARY ENCROACHMENT PERMIT APPLICATION, THE TOWN OF BRANFORD CODE OF ORDINANCES, AND ANY APPLICABLE EXECUTIVE ORDERS, AND AGREE AND CONSENT TO BE BOUND BY AND COMPLY WITH ALL OF THE PROVISIONS OF THE SAME.

SIGNATURE: _____ PRINTED NAME: _____

DATE: _____

Internal Use Only:

Permit #: _____

Insurance _____ Bond Posted _____ Bondholder Name _____

Approved/Denied _____ Signature: _____

ATTACHMENT 'A'

Insurance Requirements – Use of Town Property

The User shall agree to maintain in force at all times during the term of the Use Agreement/Permit the following minimum coverage and shall name the Town of Branford as an Additional Insured on a primary and non-contributory basis and also include a Waiver of Subrogation. Insurance shall be written with Carriers approved in the State of Connecticut with a minimum AM Best's Rating of "A-" VIII.

		(Minimum Limits)
General Liability	Each Occurrence	\$1,000,000
	General Aggregate	\$2,000,000

An original, completed Certificate of Insurance must be presented to the Town of Branford prior to use/issuance of permit. Should any of the above described policies be cancelled, limits reduced or coverage altered, 30 days written notice must be given to the Town.