

CHAPTER 2: EXCAVATIONS AND CUTS

Section

- 16-201 Permit required
- 16-202 Applications
- 16-203 Fee
- 16-204 Bond
- 16-205 Manner of excavating; barricades and lights; temporary sidewalks
- 16-206 Restoration of streets and the like
- 16-207 Insurance
- 16-208 Time limits
- 16-209 Supervision
- 16-210 Driveway curb cuts

Cross-reference:

Grading, filling and excavating, see Title 13, Chapter 5

Statutory reference:

Sections 16-201 through 16-209 in this chapter were taken substantially from the ordinance upheld by the Tennessee Supreme court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 340 S.W.2d 885 (1960).

§ 16-201 PERMIT REQUIRED.

(A) It shall be unlawful for any person, firm, corporation, association or others to make any excavation in any street, alley, public place or city right-of-way, or to tunnel under any street, alley, public place or city right-of-way without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any permit; provided, however, any person maintaining pipes, lines or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practically be obtained beforehand.

(B) The person shall thereafter apply for a permit on the first regular business day on which the office of the City Manager is open for business and the permit shall be retroactive to the date when the work was begun.

(1989 Code, § 16-201)

§ 16-202 APPLICATIONS.

Applications for the permits shall be made to the City Manager or the person as he or she may designate to receive the applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association or others doing the actual excavating, the name of the person, firm, corporation, association or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. The application shall be rejected or approved by the City Manager within one business day of its filing.

(1989 Code, § 16-202)

§ 16-203 FEE.

The fee for such permits shall be \$25 for excavations which do not exceed 25 square feet in area or tunnels not exceeding 25 feet in length; and \$1 for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed \$2,000 for any permit.

(1989 Code, § 16-203)

§ 16-204 BOND.

A surety bond must be filed in a form and amount as the City Manager or his or her designee shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration.

(1989 Code, § 16-204)

§ 16-205 MANNER OF EXCAVATING; BARRICADES AND LIGHTS; TEMPORARY SIDEWALKS.

Any person, firm, corporation, association or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users.

(1989 Code, § 16-205)

§ 16-206 RESTORATION OF STREETS AND THE LIKE.

Any person, firm, corporation, association or others making any excavation or tunnel in or under any street, alley, public place or city right-of-way in this city shall restore the street, alley, public place or right-of-way to its original condition. In case of unreasonable delay in restoring the street, alley,

public place or right-of-way, the City Manager shall give notice to the person, firm, corporation, association or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the city will do the work and charge the expense of doing the same to the person, firm, corporation, association or others. If, within the specified time, the conditions of the above notice have not been complied with, the work shall be done by the city, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association or others who made the excavation or tunnel.

(1989 Code, § 16-206)

§ 16-207 INSURANCE.

In addition to making the bond hereinbefore required to ensure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he or she is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether the performance be by himself, herself, his or her subcontractor or anyone directly or indirectly employed by him or her. The insurance shall cover collapse, explosive hazards and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the City Manager in accordance with the nature of the risk involved; provided, however, that, the liability insurance for bodily injury shall not be less than \$100,000 for each person and \$300,000 for each accident, and for property damages not less than \$25,000 for any one accident, and a \$75,000 aggregate.

(1989 Code, § 16-207)

§ 16-208 TIME LIMITS.

Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the city if the city restores the surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the City Manager.

(1989 Code, § 16-208)

§ 16-209 SUPERVISION.

The City Manager or his or her designee shall inspect all excavations and tunnels being made in or under any public street, alley, public place or city right-of-way in the city and see to the enforcement of the provisions of this chapter. Notice shall be given to him or her at least ten hours before the work of refilling any excavation or tunnel commences.

(1989 Code, § 16-209)

§ 16-210 DRIVEWAY CURB CUTS.

No one shall cut, build or maintain a driveway across a curb or sidewalk without first obtaining a permit from the City Manager. A permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed 35 feet in width at its outer or street edge and when two or more adjoining driveways are provided for the same property a safety island of not less than ten feet in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street.
(1989 Code, § 16-210)