

## TITLE 16

### STREETS AND SIDEWALKS, ETC

#### CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

16-101. Driveway permits.

16-102. Heavy or large vehicles on city streets.

**16-101. Driveway permits.** (1) No new driveway connection shall be made to any town street without the owner of the property or the contractor installing such driveway, first obtaining a permit therefore from the city building commissioner.

(2) The fee for said permit shall be twenty-five dollars (\$25.00).

(3) Violation of this section is punishable by a fine not to exceed fifty dollars (\$50.00). (Ord. #97-11, Sept. 1997, modified)

**16-102. Heavy or large vehicles on city streets.** (1) Definition of vehicle. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon street, road, highway or public thoroughfares, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(2) Heavy truck traffic prohibited on certain streets. (a) For the purpose of this section, a heavy truck is defined to be any vehicle whose gross vehicle weight exceeds 10,000 pounds.

(b) All heavy trucks shall be prohibited from all town streets except: Church Street and Pleasant View Road.

(c) The following categories are exempt from the prohibition of this section:

(i) The operation of heavy trucks upon any street where necessary to the conduct of business at a destination point within the town provided streets designated as truck routes are used until reaching the intersection nearest the destination point.

(ii) The operation of heavy trucks owned or operated by the town, any contractor or materialman, while under contract of the town while engaged in the repair, maintenance, or construction of streets, street improvements, or street utilities within the town.

(iii) The operation of school buses and buses used to transport persons to and from a place of worship, which run a designated route.

(iv) The operation of emergency vehicles upon any street in the town.

(3) Signs posted. Signs shall be posted on the entrances to each of the streets listed in subsection (2)(b) above indicating either by works or by appropriate symbols that heavy trucks are prohibited from traveling upon said streets.

(4) Penalty. Any violation of this ordinance shall be punishable by a fine not to exceed fifty dollars (\$50.00). (Ord. #98-4, May 1998, modified)

## CHAPTER 2

### EXCAVATIONS AND CUTS<sup>1</sup>

#### SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Safety restrictions on excavations.
- 16-206. Restoration of streets, etc.
- 16-207. Time limits.
- 16-208. Insurance.
- 16-209. Supervision.
- 16-210. Violation and penalty.

**16-201. Permit required.** It shall be unlawful for any person, firm, corporation, association, or others, including utility districts, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place 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 such 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 practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the city recorder is open for business, and said permit shall be retroactive to the date when the work was begun. (Ord. #97-12, Oct. 1997)

**16-202. Applications.** Applications for such permits shall be made to the city recorder, or such person as he may designate to receive such 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

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<sup>1</sup>State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

laws relating to the work to be done. Such application shall be rejected or approved by the city recorder within twenty-four (24) hours of its filing. (Ord. #97-12, Oct. 1997)

**16-203. Fee.** The fee for such permits shall be thirty dollars (\$30.00). (Ord. #97-12, Oct. 1997)

**16-204. Deposit or bond.** No such permit shall be issued unless and until the applicant therefor has deposited with the city recorder a cash deposit. The deposit shall be in the sum of one thousand dollars (\$1,000.00) minimum and shall ensure the proper restoration of the ground and laying of the pavement. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, in the opinion of the public works director, the city recorder may increase the amount of the deposit to an amount considered by him/her to be adequate to cover the cost. From this deposit shall be deducted the expense to the town of relaying the surface of the ground or pavement, and of making the refill if this is done by the town or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the city recorder a surety bond or irrevocable letter of credit in such form and amount as the public works director and/or city recorder shall deem adequate to cover the costs to the town if the applicant fails to make proper restoration. Letter of credit and bond may run for a period of two (2) years consecutively and may be used to cover work as long as the amount does not exceed the bond amount. State of Tennessee Department of Transportation (TDOT) rights-of-way and thoroughfares shall meet the requirements of TDOT. (Ord. #97-12, Oct. 1997, as amended by Ord. #19-13, Dec. 2019 *Ch4\_02-13-23*)

**16-205. Safety restrictions on excavations.** 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 such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (Ord. #97-12, Oct. 1997)

**16-206. Restoration of streets, etc.** Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this town shall restore the street, alley, or public place to its original condition. In case of unreasonable delay in restoring the street, alley, or public place, the public works director or city recorder 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 town will do the work and charge the expense of doing the same to such 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 town, 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.

The person, firm, corporation, association or others who make the excavation or tunnel, shall file written notice of completion with the city recorder upon completing the restoration of the excavation. Such person, firm, corporation, association or others shall be responsible for keeping such surfaces in repair for a period of one (1) year from the date the notice of completion is filed with the public works director. (Ord. #97-12, Oct. 1997, as amended by Ord. #19-13, Dec. 2019 *Ch4\_02-13-23*)

**16-207. 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. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the city recorder. (Ord. #97-12, Oct. 1997)

**16-208. Insurance.** The person, firm, corporation, association or others who make the excavation or tunnel, shall indemnify, defend and hold harmless the town, its elected officials and employees for losses or claims resulting from such person, firm, corporation, association or other's negligence, acts or omissions in the course of such work or otherwise. Prior to issuance of a permit, such person, firm, corporation, association or others performing such work shall provide a current certificate of insurance to the town showing limits of liability equal to or greater than those of Tennessee Code Annotated, § 29-20-403, with the town listed as an additional insured. (Ord. #97-12, Oct. 1997)

**16-209. Supervision.** The person designated by the board of mayor and aldermen or the public works director shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the town and see to the enforcement of the provisions of this chapter. Notice shall be given to him/her at least ten (10) hours before the work of restoring any such excavation or tunnel commences. (Ord. #97-12, Oct. 1997, as amended by Ord. #19-13, Dec. 2019 *Ch4\_02-13-23*)

**16-210. Violation and penalty.** Any violation of this chapter shall constitute a civil offense and shall be punishable by revocation of permit, by a civil penalty not to exceed fifty dollars (\$50.00), or by both civil penalty and revocation. Each day a violation shall be allowed to continue shall constitute a separate offense. (Ord. #97-12, Oct. 1997, modified)