

TITLE 16

STREETS AND SIDEWALKS, ETC.

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Signs for separately developed or subdivided area of real property prohibited.
- 16-102. House numbers.

16-101. Signs for separately developed or subdivided area of real property prohibited. It shall be unlawful for any person, organization, or business to place or have placed a permanent sign, monument, or other display within the City of Baneberry which purports to designate, describe or name a separately developed or subdivided area of real property within said city. (1999 Code, § 16-201)

16-102. House numbers. All houses shall have house numbers displayed where they can be visibly seen from the road. If a house is set back from the main entrance, house numbers shall be posted at the entrance. (Ord. #219-9, Jan. 2020)

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fees.
- 16-204. Deposit or bond.
- 16-205. Manner of excavating-barricades and lights - temporary sidewalks.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, public space, or public right-of-way, or to tunnel under any street, alley, public place or public right-of-way, without having first obtained a permit as herein required, 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 be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the 16-2recorder is working, and said permit shall be retroactive to the date when the work was begun. (1999 Code, § 16-101)

16-202. Applications. Applications for such permits shall be made to the city manager, or such person as the mayor 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

¹State 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 16-2recorder within twenty-four (24) hours of its filing. (1999 Code, § 16-102)

16-203. Fees. The fee for such permits shall be ten dollars (\$10.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five feet (25') in length; and one dollar (\$1.00) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (1999 Code, § 16-103)

16-204. Deposit or bond. Any work done by a company, construction crew, or utility shall have a bond in place prior to any construction being undertaken in the street, adjacent to the street, or under the street. The bond shall be set by the city manager. (1999 Code, § 16-104)

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. Any utility or other construction which requires a cut across a public street or a paved driveway shall be required to bore under the street unless the contractors can prove that said boring would be an impossibility or would cause a safety or health hazard. (On unpaved streets the planning commission may give a waiver to cut the street and repair it to the original condition.) 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. (1999 Code, § 16-105)

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 or public right-of-way in the City of Baneberry shall restore said street, alley, or public place right-of-way to its original condition which shall be done by the contractor performing said excavation. In case of unreasonable delay in restoring the street, alley, or public place, 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 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. (1999 Code, § 16-106)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he 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 such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such 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 recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than one hundred thousand dollars (\$100,000.00) for each person and three hundred thousand dollars (\$300,000) for each accident, and for property damages not less than twenty-five dollars (\$25,000.00) for any one (1) accident, and a seventy-five thousand dollar (\$75,000.00) aggregate. (1999 Code, § 16-107)

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. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the 16-2city council. (1999 Code, § 16-108)

16-209. Supervision. The city manager 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 the city manager at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1999 Code, § 16-109)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining approval from the planning commission and a permit from the city manager. Such 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 or impede the health, safety and welfare of the street or right-of-way. All driveways shall require a tile/culvert installed at the connection between the street and highway unless the tile/culvert requirement is waived by the planning board, said tile/culvert to be at least fifteen inches (15") in diameter. When two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten feet (10') in width at its outer or street edge shall be provided.

Driveway aprons shall not extend out into the street. There shall be no fee obtaining a driveway cut or excavation permit. (1999 Code, § 16-110)