

TITLE 16

STREETS AND SIDEWALKS, ETC.¹

CHAPTER

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CHAPTER 1

MISCELLANEOUS

SECTION

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16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1977 Code, § 12-201)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1977 Code, § 12-202)

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1977 Code, § 12-203)

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.¹ (1977 Code, § 12-204)

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across or above any public street or alley except when expressly authorized by the city manager after a finding that no hazard will be created by such banner or sign. (1977 Code, § 12-205)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law. (1977 Code, § 12-206)

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1977 Code, § 12-207)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right-of-way. (1977 Code, § 12-208)

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1977 Code, § 12-209)

16-110. Parades regulated. It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first

¹Municipal code reference

Building code: title 12, chapter 1.

securing a permit from the city manager. No permit shall be issued by the manager unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to immediately clean up the resulting litter. (1977 Code, § 12-210)

16-111. Operation of trains at crossings regulated. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law; nor shall he make such crossing at a speed in excess of twenty-five (25) miles per hour. It shall also be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (1977 Code, § 12-211)

16-112. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1977 Code, § 12-212)

16-113. Fires in streets, etc. It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1977 Code, § 12-213)

16-114. Street numbering. (1) (a) It shall be the duty of the owners, occupants or lessee of all dwellings, apartment houses, hotels, commercial establishments, and other buildings to number such buildings with numerals not less than three and one-half inches in height, or of such contrasting color and so located as to be readily visible from the street in daylight or when a light is shined upon it at night.

(b) The building department of the city shall on all building permits for new residences, building structures or places of business, excepting sheds and accessory buildings provide an address number as assigned by the Hamilton County Planning Commission. On building permits other than new construction the building department shall insure that the address listed thereon is correct as assigned by the Hamilton County Planning Commission.

(c) If the owner, occupant or lessee of any building shall fail, refuse, or neglect to post the number as required or replace it when necessary the City of Collegedale shall cause a written notice to be served on such person directing that the number be properly posted or replaced.

Any such person not complying with said notice within ten days after receipt thereof shall be deemed to be in violation of this chapter.

(d) Any person found guilty of violating any of the provisions of this section shall, upon conviction thereof, be fined in a sum not to exceed fifty dollars.

(2) The owners, occupants or lessees shall number said dwellings, apartment houses, hotels, commercial establishments, and other buildings in accordance with the provisions of this chapter within sixty (60) days after passage and publication.

(3) Sixty days after the passage of this chapter all incorrect house numbers shall be removed and the correct number substituted; and it shall be the duty of the building official to notify the owners or occupants who fail to comply with the provisions of this chapter, and if not corrected within two weeks from such notification the parties shall be deemed to be in violation of this chapter. (Ord. # 274, June 1990)

16-115. Skateboards prohibited. It shall be unlawful for any person to ride or operate a skateboard upon any public street. (Ord. # 220, Oct. 1987)

CHAPTER 2

EXCAVATIONS¹

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. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Curb cuts.

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 the permit shall be retroactive to the date when the work was begun. (1977 Code, § 12-101)

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 laws relating

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).

to the work to be done. Such application shall be rejected or approved by the city manager within twenty-four (24) hours of its filing. (1977 Code, § 12-102)

16-203. Fee. The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents (\$0.25) 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. (1977 Code, § 12-103)

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 twenty-five dollars (\$25.00) if no pavement is involved or seventy-five dollars (\$75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and, laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the city recorder may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the city of relaying the surface of the ground or pavement, and of making the refill if this is done by the city 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 manager a surety bond in such form and amount as the city recorder shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1977 Code, § 12-104)

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. (1977 Code, § 12-105)

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 in this city shall restore the street, alley, or public place to its original condition except for the surfacing, which shall be done by the city but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the 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 city 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 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. (1977 Code, § 12-106)

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 city recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$130,000 for each person and \$350,000 for each accident, and for property damages not less than \$50,000 for any one (1) accident, and a \$75,000 aggregate. (1977 Code, § 12-107)

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, or until the refill is made ready for the pavement to be put on by the city if the city restores such 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 recorder. (1977 Code, § 12-108)

16-209. Supervision. The person designated by the board of mayor and aldermen 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 city and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1977 Code, § 12-109)

16-210. Curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk, public street, alley, or other public place without first obtaining a permit from the 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. No driveway shall

exceed thirty-five (35) feet in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1977 Code, § 12-110)

CHAPTER 3

ISSUANCE OF LICENSES, PERMITS AND/OR AUTHORIZATIONS

SECTION

- 16-301. Rights-of-way excavation permit.
- 16-302. Application.
- 16-303. Right(s)-of-way excavation permit fees.
- 16-304. Requirement of surety bond or cash deposit.
- 16-305. Manner of excavating - protection of traffic and pedestrians.
- 16-306. Removal and protection of utilities.
- 16-307. Protection of adjoining property.
- 16-308. Excavated material.
- 16-309. Clean-up.
- 16-310. Restoration of surface.
- 16-311. Prompt completion of work.
- 16-312. Emergency action.
- 16-313. Inspections.
- 16-314. Liability of city.
- 16-315. Insurance.
- 16-316. Penalty.
- 16-317. Applicability to public utilities.

16-301. Rights-of-way excavation permit. (1) It shall be unlawful for any person to dig, break, excavate, tunnel, undermine, or in any manner damage any area located within the limits of the City of Collegedale's right-of-way, including but not limited to pavement, storm drainage way, shoulder, curb, sidewalk, traffic control device, public utility easement bridge, access ramp, that portion of any private driveway in the street right(s)-of-way, or other parts of a city right(s)-of-way (all hereinafter referred to as "city rights-of-way" in this chapter), or to make or cause to be made any excavation in or under the surface of any city right(s)-of-way for any purpose or to place, deposit, or leave upon any city right(s)-of-way any earth or excavation material obstructing or tending to interfere with the use of same, unless such person shall first have obtained a right(s)-of-way excavation permit therefor from the city engineer, or designee, as herein provided.

(2) Notwithstanding subsection (1) above, construction of utility service lines from the main utility line to serve a utility customer shall not require an excavation permit unless a sidewalk, curb or the paved portion of a street is disturbed.

(3) Notwithstanding subsection (2) above, all excavation work done within the city right(s)-of-way must meet the requirements set forth by this in this ordinance, and the requirements set forth in the right-of-way permit. If a utility or contractor fails to meet the requirements set forth and do not correct

the deficiencies expeditiously, the utility or contractor will be in violation of this ordinance and subject to the penalty set forth herein. (as added by Ord. #1028, April 2017)

16-302. Application. No right(s)-of-way excavation permit shall be issued unless a written application is submitted to the city. The application shall be accompanied by plans or drawings as deemed necessary by the city. The city engineer shall have the authority to waive the filing of detailed plans and drawings if the excavation project is of such a small scale that the city engineer determines that such drawings or plans are not necessary. (as added by Ord. #1028, April 2017)

16-303. Right(s)-of-way excavation permit fees. A permit fee shall be paid by the applicant to the city for the issuance of a right(s)-of-way excavation permit which shall be in addition to all other fees for permits or charges relative to any proposed construction work. The right(s)-of-way excavation permits shall be fifty dollars (\$50.00) each. If work begins without first obtaining a permit, the permit fee shall be doubled. (as added by Ord. #1028, April 2017)

16-304. Requirement of surety bond or cash deposit. (1) Before a right(s)-of-way excavation permit is issued, the applicant shall deposit with the city a surety bond, letter of credit, or surety agreement in a form payable to the city. Surety bonds and letters of credit shall be submitted to the city pursuant to subsection (7) herein. The limit of the surety agreement shall be determined by the engineering and public works departments. The required surety bond or letter of credit must be issued by an insurance company or bank licensed and authorized to transact business in the State of Tennessee and shall be conditioned upon the permittee's compliance with this ordinance and the right(s)-of-way excavation agreement, and shall secure and hold the city and its officers harmless against any and all claims, judgments, or other costs arising from the excavation and other work covered by the right(s)-of-way excavation permit by reason of any accident or injury to persons or property, trespass, or inverse condemnation through the fault of the permittee, or subcontractor(s), and further conditioned to require permittee to refill, restore and replace in good and safe condition as near as may be to its original condition and conformity with approved plans, to the satisfaction of the city engineer and director of public works; to restore all openings and excavations made in city right(s)-of-way, and to maintain the city right(s)-of-way where excavation is made in good condition for the period of twelve (12) months after said work shall have been approved in writing by the city, ordinary wear and tear excepted. The twelve (12) month period for maintenance will renew and start over with any repair of any portion of the excavation site. Any settlement of the surface within the one (1) year period shall be deemed conclusive evidence of defective back-filling by the permittee. The city may rely upon the information furnished

by the permittee and it shall be no defense to a claim by the city against permittee or surety that the city made an error in issuing the right(s)-of-way excavation permit.

(2) Recovery on a right(s)-of-way bond, letter of credit, or surety agreement for any claim shall not extinguish same, but it shall in its entirety be available for all subsequent claims during the excavation for which it was given, plus maintenance of the excavation for which it was given, plus maintenance of the excavation site as required by this chapter and the right(s)-of-way excavation agreement. In the event of any suit or claim against the city by reason of the negligence or default of the permittee, upon the city giving written notice to permittee and surety of such suit or claim, the permittee and surety shall hold the city harmless and indemnify the city for all expenses, including reasonable attorney's fees and costs.

(3) Any annual bond, letter of credit, or surety agreement given under this provision shall remain in force for one (1) year plus the one (1) year maintenance period, conditioned as above, in the amount specified in subsection (7) herein, which is based on the permittee's anticipated work for one (1) year and shall be applicable to all excavation in any city right(s)-of-way

(4) In lieu of a corporate surety bond, letter of credit, or surety agreement required above, the application may be accompanied with a cash deposit or cashier's check, made payable to the City of Collegedale for deposit. The amount shall be determined by the city engineer and director of public works.

(5) Any special or general deposit made hereunder shall serve as security for the repair and performance of work necessary to put the city right(s)-of-way in as good a condition as it was prior to the excavation and in conformity with approved plans. If the permittee fails to make the necessary repairs or complete excavation within the time specified in the permit, the city may proceed to complete same and charge the expense to the permittee and surety as provided in subsection (6) below.

(6) The city may use any or all of any deposit, letter of credit, or bond to pay the cost of any work the city performs to restore or maintain the city right(s)-of-way in the event the permittee fails to perform such work as provided in the right(s)-of-way excavation agreement or this chapter. If the permittee exposes the public to danger and fails to promptly correct same after notice (should the permittee not be readily available, the notice requirement is waived), the city may take steps deemed necessary in the sole discretion of the city to correct a dangerous situation which is a threat to public safety and charge same to permittee and surety. Once an excavation is started, it must be completed expeditiously. In the event an excavation is not pursued expeditiously after started, or is not completed within the time specified in the permit or any extension, or is abandoned, or the area is not properly restored or maintained, the city may give the permittee seven days' notice of the deficiency. If corrective action is not initiated within said seven days or any extension thereof granted

by the city engineer and director of public works, the city may perform the necessary work and charge same to permittee and surety. Prior notice to the surety is waived. Any permittee or surety aggrieved by any action of the city under this article is entitled to a due process hearing before the city manager upon written notice filed with the city recorder within ten (10) days of the event giving rise to the complaint. When the city uses its own employees to repair a street, shoulder, sidewalk, storm drainage ditch, or public utility that should have been repaired by a permit holder, the permit holder must reimburse the city at the rate of one hundred fifty percent (150%) of actual costs of the city. "Actual costs" are defined as employees' actual wages and benefits, with benefits calculated at thirty percent (30%) of wages; rental value of equipment, signs and barricades in accordance with a uniform schedule; cost of all materials; and, any outside costs.

(7) The bond will be based on a reasonable estimate as determined by the city engineer and director of public works. (as added by Ord. #1028, April 2017)

16-305. Manner of excavating-protection of traffic and pedestrians. Any person making any excavation or tunnel in a city right(s)-of-way shall do so according to the terms and conditions of this article, the application, right(s)-of-way excavation agreement, applicable government regulations and codes, and the right(s)-of-way excavation permit. Barricades, signage, and lights shall be maintained in accordance with the Manual of Uniform Traffic Control Devices to protect persons and property from injury because of the excavation. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed to provide for safe travel for pedestrians. The permittee shall construct and maintain adequate and safe crossings over excavations and highways to accommodate vehicular and pedestrian traffic. Vehicular and pedestrian crossings shall be constructed and maintained in accordance with applicable policies, rules, regulations, and ordinances of the city and other applicable government agencies. (as added by Ord. #1028, April 2017)

16-306. Removal and protection of utilities. The permittee shall not interfere with any existing utility without the written consent of the city engineer and the owner of the utility. If it becomes necessary to remove an existing utility, such removal or relocation shall be performed by the owner of such utility at the expense of the permittee. The permittee shall support and protect all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work and do everything necessary to support, sustain and protect them. In case any of said pipes, conduits, poles, wires or apparatus should be damaged, the permittee must give prompt notice to the utility owning same. The repairs, shall be by the utility owner at the expense of the permittee or surety. The permittee shall be responsible for any damage to any public or private property. The permittee shall inform itself as to the

existence and location of all-utilities before excavation and protect same against damage. The bond, letter of credit, or surety deposit shall be available to pay any expense associated with utility damage or damage to the property of another. (as added by Ord. #1028, April 2017)

16-307. Protection of adjoining property. The permittee shall at all times at the permittee's expense preserve and protect from injury adjoining property by providing proper lateral support, and other measures suitable for the purpose. Where it is necessary to enter upon private property for the purpose of taking appropriate protective measures, the permittee shall obtain permission for such entry from the owner of such private property. All construction and maintenance work shall be performed in a manner calculated to leave the lawn, storm drainage ditch, and other areas clean of earth and debris, and in a condition as nearly as possible to that which existed before such work began and approved by the city engineer and director of public works. (as added by Ord. #1028, April 2017)

16-308. Excavated material. All material excavated from trenches and stored adjacent to the trench or in any city right(s)-of-way shall be stored and maintained in such a manner as not to endanger those working in the trench, pedestrians or motorist, and so that as little inconvenience as reasonably possible is caused to those using streets, sidewalks, and adjoining property. The material shall not be stored in a drainage way. Where the confines of the area being excavated are too narrow to permit storing excavated material beside the trench, the city engineer shall have the authority to require the permittee to haul the excavated material to a storage site. It shall be the permittee's responsibility to secure the necessary permission and make all necessary arrangements for all storage and disposal sites. (as added by Ord. #1028, April 2017)

16-309. Clean-up. As the excavation work progresses, all city right(s)-of-way and private properties shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from excavation. All clean-up operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the city engineer and director of public works. From time to time as may be ordered by the city engineer or director of public works, and in any event immediately after completion of said work, the permittee shall, at the permittee's expense, clean-up and remove all refuse and unused material of any kind resulting from said work. Notice to the surety is waived. Upon failure to do so within five (5) days after notification to permittee, said work may be performed by the city and the cost thereof charged to the permittee, and surety. The five (5) days' notice may be reduced when circumstances reasonably dictate less time, in the sole discretion of the city engineer, or designee. (as added by Ord. #1028, April 2017)

16-310. Restoration of surface. The permittee shall restore the surface of any city right(s)-of-way damaged as a result of the excavation work to its original or better condition and in accordance with the specifications from plans approved by the city engineer or director of public works. Noncompliance may jeopardize the permittee's future application for a permit and/or alter the requirements of future permits. (as added by Ord. #1028, April 2017)

16-311. Prompt completion of work. The permittee shall prosecute with diligence and expedition all excavation work covered by the right(s)-of-way excavation permit and shall promptly complete such work after initiation. Permittee shall promptly restore the city right(s)-of-way and, in any event, not later than the date specified in the right(s)-of-way excavation permit. (as added by Ord. #1028, April 2017)

16-312. Emergency action. In the event of any emergency in which a sewer, water main, electric conduit, gas line or other utility is damaged or breaks and causes imminent danger to the property, life, health, or safety of any individual, the person owning or controlling the damaged utility shall immediately take proper emergency measures to cure or remedy the dangerous condition without applying for and obtaining a right(s)-of-way excavation permit hereunder. However, such utility shall apply for a right(s)-of-way excavation permit not later than the end of the next succeeding business day during which the city is open for business and shall not proceed with permanent repairs without first obtaining a right(s)-of-way excavation permit hereunder. (as added by Ord. #1028, April 2017)

16-312. Inspections. The city engineer or director of public works shall make such inspections as are reasonably necessary for enforcement of this article. The city shall have the authority to promulgate and cause to be in force such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this chapter. The city engineer, public works director or designee shall have the authority to enforce the rules a regulations set forth in this ordinance, and the requirements set forth in the in the right-of-way permit. After a second failed inspection, a fifty dollar (\$50.00) re-inspect fee will be assessed. This fee must be paid prior to any re-inspections performed. (as added by Ord. #1028, April 2017)

16-313. Liability of city. This article shall not be construed as imposing upon the city, city officials, or employees any liability for damages to any person injured by the performance of any excavation work for which a right(s)-of-way excavation permit is issued hereunder; nor shall the city, city officials, or employees be deemed to have assumed any such liability, or responsibility by reason of inspections authorized hereunder, the issuance of any permit, or the approval of any excavation work. (as added by Ord. #1028, April 2017)

16-314. Insurance. In addition to all other requirements, each person applying for a right(s)-of-way excavation permit shall file a certificate of insurance indicating that the applicant is insured against claims for damages for personal injury and property damage which may arise from or out of the performance of the work, whether such performance by the applicant, subcontractor, or anyone directly or indirectly employed by the applicant. Such insurance shall cover collapse, explosive hazards, and work in a public street right(s)-of-way, and shall include protection against liability arising from completed operations. The insurance limits shall be prescribed by the city in accordance with the nature of the risk; provided, however, the liability insurance limits for bodily injury shall not be in an amount less than five hundred thousand dollars (\$500,000.00) for each person and five hundred thousand dollars (\$500,000.00) for each accident and for property damages an amount not less than one hundred thousand dollars (\$100,000.00). Notwithstanding the foregoing, a governmental agency or municipal corporation that is self-insured is exempt from this provision. (as added by Ord. #1028, April 2017)

16-315. Penalty. Any person, firm, corporation, public or private utility violating any provision of this chapter shall, upon a finding of a violation, be subjected to an administrative hearing penalty of up to five hundred dollars (\$500.00) for each offense; and a separate offense shall be deemed committed each day during which a violation occurs or continues. (as added by Ord. #1028, April 2017)

16-316. Applicability to public utilities. Eastside Utility District, Hamilton County Water and Wastewater Treatment Authority, the Electric Power Board are required to make application for permits under this chapter, but payment of permit fees and posting of bonds or cash deposits are hereby waived. (as added by Ord. #1028, April 2017)