

ORDINANCE NO. 00-43

**AN ORDINANCE TO AMEND CHAPTER 2, EXCAVATIONS AND CUTS,
OF TITLE 16 OF THE MUNICIPAL CODE OF THE CITY OF SPRING
HILL, TENNESSEE**

WHEREAS, the Board of Mayor and Aldermen of the City of Spring Hill may, pursuant to it's charter and general laws of the State of Tennessee, enact regulatory ordinances protecting and promoting the general welfare, health and safety of it's citizens.

BE IT THEREFORE ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF SPRING HILL, TENNESSEE:

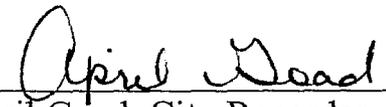
That Title 16, Chapter 2, be and is, hereby amended by deleting the entire Excavations and Cuts section and inserting in its stead Excavations and Cuts₂

BE IT FURTHER ENACTED, that this ordinance shall take effect from and after it's adoption, the public welfare requiring it.

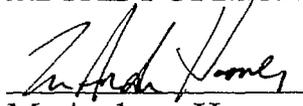
Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee on the 18th day of December, 2000.


Ray Williams, Mayor

ATTEST:


April Goad, City Recorder

LEGAL FORM/APPROVED:


M. Andrew Hoover, City Attorney

Passed on 1st Reading November 20, 2000

Passed on 2nd Reading December 18, 2000

CHAPTER 2

EXCAVATIONS AND CUTS²

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.
- 16-211. Connection of public or private roads to the public streets.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any right-of-way, street, alley, or public place, or to tunnel under any right-of-way, 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. 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. The person shall thereafter apply for a permit on the first regular business day on which the office of the Building Official is open for business.

16-202. Applications. Applications for such permits shall be made to the Building Official, 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

²State 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

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 Building Official within twenty-four (24) hours of its filing. (1987 Code, § 12-202)

16-203. Fees. The fee for such permits shall be Twenty-five dollars (\$25.00) for each excavation and tunnel project.. The fees must be paid on each permit at time of issuance. Code, § 12-203)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the Building Official a cash depositor Surety Bond. The deposit or surety bond shall be in the sum of Five Thousand dollars (\$5,000.00) if no pavement is involved, or Seventy Five hundred dollars (\$7,500.00) if the excavation is in a paved area and shall insure the 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 Building Official may increase the amount of the deposit or bond 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. (1987 Code, & 12-204)

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 such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1987 Code, § 12-205)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any Right-of-way, street, alley, or public place in this City shall restore said right-of-way, street, alley, or public place to its original condition, and shall be paid for by such person, firm, corporation, association, or others promptly upon the completion of the work for which the excavation or

tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the Building Official 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 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. (1987 Code, § 12-206)

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 Building Official in accordance with the nature of the risk involved but 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 \$100,000 for any one (1) accident, and a \$500,000 aggregate. (1987 Code, § 12-207)

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 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 Building Official. (1987 Code, § 12-208)

16-209. Supervision. The Building Official shall from time to time inspect all excavations and tunnels being made in or under any right-of-way, 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. (1987 Code, § 12-209)

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

Building Official. 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. (1987 Code, § 12-210)

16-211. Connection of public or private roads to the public streets. (1) It shall be unlawful to connect any public or private street to the public streets of the City of Spring Hill without first obtaining the approval of the Spring Hill Planning Commission.

(2) The building inspector or any other officer, employee or agent of the City of Spring Hill may enforce the provisions of this section by any legal or equitable remedy available.

(3) A violation of this section shall constitute a misdemeanor punishable as prescribed by the laws of the State of Tennessee. (Ord. #89-09, June 1989)