

## TITLE 12

### STREETS, ALLEYS, SIDEWALKS AND PARKS, ETC.

#### CHAPTER

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#### CHAPTER 1

### EXCAVATIONS AND CUTS

#### SECTION

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**12-101. Permit required.** It shall be unlawful for any person, firm, corporation, association or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley or public place in the city 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 be in violation of or variance 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, provided the permit could not reasonably and practically have been obtained beforehand. 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 said permit shall be retroactive to the date when the work was begun. (Ord. #316, Section I, 05/19/59). (The provisions in Section 12-101 through 12-109 in this chapter were upheld by the Tennessee Supreme Court in the 1960 case of City of Paris, Tennessee, v. Paris-Henry County Public Utility District, 340 S.W. 2d 885).

**12-102. Applications.** Applications for such permits shall be made to the city manager or whatever person designated by him to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, and 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. Such application shall be rejected or approved by the city manager within twenty-four (24) hours of its filing (Ord. #316, Sec. II, 05/19/59).

**12-103. Fee.** The fee for such permits shall be determined by the Board of Commissioners by resolution from time to time in such amounts and under such terms and conditions as the Board of Commissioners shall set. (Ord. #578, 12/02/82).

**12-104. Deposit.** No such permit shall be issued unless and until the applicant therefore has deposited with the City Manager a cash deposit in such sum and under such terms and conditions as the Board of Commissioners of the City of Paris, Tennessee shall set from time to time by resolution. Provided, however, that all public utility companies operating under license or franchise by the governing bodies of the City of Paris, County of Henry, State of Tennessee, or the Government of the United States of America, shall be exempt from the provisions of this section. (Ord. #578, 12/02/82).

**12-105. Manner of excavating – barricades and lights.** Any person, firm, corporation, association or other making any excavation of 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 excavations 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. #316, Section V, 05/19/59).

**12-106. Restored street.** Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley or public place in the city shall restore said 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 by such persons, 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 city manager shall give notice to the person, firm, corporation, association or others that unless the excavation or tunnel is refilled properly within twenty-four (24) hours, 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 time mentioned the conditions of the above notice have not been complied with, the work shall be done by the city, an accurate amount of the expense involved shall be kept, the total cost shall be charged to the person, firm, corporation, association or others, who made the excavation or tunnel. (Ord. #316, Sec. VI, 05/19/59).

**12-107. Insurance and Hold Harmless Agreement.** (a) Insurance.  
In addition to making the deposit hereinbefore provided to be made, each person applying for such a 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 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 in effect shall not be in an amount less than \$100,000 for each person and \$300,000 for each accident and for property damages in an amount not less than \$50,000, with an aggregate of \$100,000 for all accidents.

(b) Hold Harmless Agreement. All permittees under this chapter do hereby covenant and agree to indemnify and save harmless the City of Paris, Tennessee, from all suits, claims, demands, and actions of any kind and nature by reason of the City of Paris issuing any permit under the terms and conditions of this chapter; the permittee shall be solely responsible and answerable in damages for any and all accidents or injuries to persons or property arising from or incident thereto, any activity which is subject of this ordinance (Ord. #578, 12/02/82).

**12-108. 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 excavation of time is granted by the city manager. (Ord. #316, Sec. VIII, 05/19/59).

**12-109. 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 city and see to the enforcement of the provisions of this chapter. (Ord. #578, 12/02/82).

**12-110.** Deleted Ord. #842, 11/04/93.