



**CITY OF ELIZABETHTON**  
Building Department  
Excavations and Cuts Permit Application

**WORK SITE INFORMATION:**

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Foreman: \_\_\_\_\_

Phone: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Email Address: \_\_\_\_\_

Purpose: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Construction Start:** Date: \_\_\_\_\_ Time: \_\_\_\_\_

**Proposed Completion:** Date: \_\_\_\_\_ Time: \_\_\_\_\_

**CONTRACTOR INFORMATION:**

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Fax: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

License No.: \_\_\_\_\_

Please sketch the work to be completed below.

\_\_\_\_\_

In each blank below please write how many liner feet correspond with the criteria listed.

Open pavement cut with a depth of 3 feet or less (\$5.40/foot):

\_\_\_\_\_

Open pavement cut with a depth of 3 to 6 feet (\$7.20/foot):

\_\_\_\_\_

Tunneling under pavement without affecting base, pavement, or load bearing properties of the pavement (\$1.00/foot):

\_\_\_\_\_

Open non-pavement cuts of city owned public right of way (\$1.00/foot):

\_\_\_\_\_

It is 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 without having first obtained a permit required, and without complying with the provisions of Elizabethton Municipal Code §16-2. Permittee agrees to comply with all applicable ordinances and laws of the City of Elizabethton and the State of Tennessee. **Permit will be valid for a period of 60 days from the day of issue.**

----- **FOR OFFICE USE ONLY – DO NOT WRITE BELOW THIS LINE** -----

Permit #: \_\_\_\_\_ Bond Amount: \_\_\_\_\_

Activation Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Approved By: \_\_\_\_\_

Fee: \_\_\_\_\_

Last Revised: November 2008



CITY OF ELIZABETHTON  
Municipal Code  
TITLE 16 – STREETS AND SIDEWALKS, ETC

**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. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. [Deleted.]

**16-201. 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 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 engineer is open for business and said permit shall be retroactive to the date when the work was begun. (1982 Code, § 12-201)

**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 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 building official within forty-eight (48) hours of its filing. (1982 Code, § 12-202)

**16-203. Fee.** The fee for such permits shall be as follows:

Open cuts in pavement with maximum depth of trench to three (3) feet.

\$5.40 per lineal foot of horizontal pavement cut.

Open cuts in pavement with maximum depth of trench between three (3) and six (6) feet.

\$7.20 per lineal foot of horizontal pavement cut.

Tunneling under pavement without affecting base, pavement, or load bearing properties of the pavement.

\$1.00 per lineal foot of horizontal pavement tunneling.

Open cuts in nonpaved city owned public right of way.

\$1.00 per lineal foot of horizontal ground cut.

In no case shall the fee exceed \$50.00 for this item. (1982 Code, § 12-103)

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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).

**16-204. Deposit or bond.** No such permit shall be issued unless and until the applicant therefor has deposited with the building department a cash deposit to insure the proper restoration of the ground and laying of the pavement. The deposit shall be as follows:

Open cuts in pavement of thickness up to three (3) inches with maximum depth of trench to three (3) feet.

\$25 per lineal foot of horizontal pavement cut.

Open cuts in pavement of thickness up to three (3) inches with maximum depth of trench between three (3) feet and six (6) feet.

\$50 per lineal foot of horizontal pavement cut.

Tunneling under pavement without affecting base, pavement, or load bearing properties of the pavement.

\$20.00 per lineal foot of horizontal pavement tunneling.

Open cuts in non paved city owned public right of way.

\$10.00 per lineal foot of horizontal ground cut.

Cuts affecting sidewalks, curbs and/or other pavements or structures not described above.

bond to be calculated separately.

Where a utility cut does not fit into the categories above, the building official will determine the required deposit by calculations deemed applicable by him. 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 to an amount considered by him to be adequate to cover said cost. From this deposit shall be deducted the total expense to the city of repairing any part of the utility cut if this is done by the city or at its expense.

A portion of the balance of the deposit (no greater than fifty percent [50%]) shall be returned to the applicant without interest after the tunnel or excavation has been completely repaired to the satisfaction of the building official. The remaining balance of the deposit shall be returned to the applicant without interest after a period of one (1) year from the date the tunnel or excavation was completely repaired to the satisfaction of the building official. If additional repairs to the utility cut are needed within this one (1) year period, the applicant will be given a notice by the building official to make such repairs within a period of time designated by the building official. If the applicant fails to make such repairs within the given period of time to the satisfaction of the building official, then the city shall use the deposit to cover all costs associated with making such repairs.

In lieu of a deposit the applicant may deposit with the building department a surety bond in such form and amount as the building official shall deem adequate, based on the procedure stated above, to cover the costs to the city if the applicant fails to make proper restoration. The surety bond shall be treated in the same manner as a cash deposit as described above. (1982 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. (1982 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 street, alley, or public place in this city shall restore said street, alley, or public place to its original condition by the standards and methods described as follows:

#### BACKFILLING

(1) General:

(a) After pipework and pipe bedding has been approved, backfill trenches with TYPE I, TYPE II, OR TYPE III BACKFILL, as hereinafter specified, indicated, or as authorized.

(b) Utility cuts crossing streets, roads, gravel driveways, and dirt driveways: Backfill the trenches and make the crossing usable by vehicular traffic immediately after laying pipe and obtaining approval thereof, and

maintain these crossings usable by vehicular traffic at all times. Do not under any circumstances leave street or road crossing or a private driveway unusable overnight.

(c) For each area of utility cut, allow only a minimum length of trench to remain without backfill at any time. Any area to remain without backfill over night must be approved by building official prior to cut. Under no circumstances will a trench be allowed to stay open over night unless proper barricading is provided and there is a legitimate reason for leaving the cut open. All unbackfilled trenches shall be provided with barricades, warning lights and flares, and other safety devices or measures when the work is not in progress.

(d) All compaction of backfill shall be subject to field density tests by the building official and/or a testing laboratory.

(e) At applicant's expense, remove, replace, and recompact all backfill which fails to comply with compaction density requirements herein specified.

(2) Type I Backfill, for utility cuts under nonpaved areas, except areas within 5 feet horizontal distance from edge of pavement, and for utility cuts where indicated or authorized:

(a) Unless otherwise indicated, specified, or authorized, place all Type I backfill from top of pipe bedding up to finished grade by approved method. Windrow suitable excess excavated materials over the trenches, and after sufficient settlement has occurred, not to exceed a two (2) week period, complete the surface dressing surplus material removal, and surface cleanup and restoration.

(b) Type I backfill materials from top of pipe bedding up to finished grade shall be any materials removed from the excavation and suitable for backfill, except do not use as backfill material any pieces of the following materials which are larger than 6" in their greatest dimension: rock, stone, concrete, asphalt paving; or masonry. Other backfill materials such as crushed stone may be approved by the building official.

(c) All disturbed surfaces must be replaced with proper vegetation or ground cover.

(3) Type II Backfill, for utility cut which parallels paved surfaces and which is installed within 5 feet horizontal distance from edge of pavement and for utility cut where indicated or authorized:

(a) Unless otherwise indicated, specified or authorized, place all Type II backfill from top of pipe bedding to finished grade or paving subgrade in 6" maximum thickness loose layers, and compact each layer with mechanical tampers to obtain 95% of the maximum density as determined by ASTM D698 (Standard Proctor).

(b) Backfill materials from top of pipe bedding up to finished grade or paving subgrade shall be any materials removed from the excavation and suitable for backfill, except do not use as backfill material any pieces of the following materials which are larger than 6" in their greatest dimension: rock; stone; concrete; asphalt paving; or masonry. Other backfill materials such as crushed stone may be approved by the building official.

(4) Type III backfill, for utility cut under paved areas, for areas proposed to be paved, and for utility cut where indicated or authorized:

(a) Where Type III backfill is indicated, specified, or authorized, backfill trenches from top of pipe bedding to paving subgrade with granular materials compacted to 100% of the maximum density as determined by ASTM D2049.

(5) Dispose of all excavated materials which are not placed as backfill in a proper manner.

(6) Final requirements

(a) Throughout construction of the project until the time of final acceptance, and also during the duration of the guarantee period: Maintain the backfilled and repaved trenches.

(b) At the applicant's expense:

(i) Refill, recompact, and smooth off as required all backfill which settles, so that all backfill finally conforms to the original grade or paving subgrade as applicable.

(ii) All pavement which may be damaged by settlement of backfill shall be removed and replaced after backfill has been repaired as specified above.

#### CUTTING AND REPLACING PAVEMENT AND OTHER SPECIAL SURFACES

(1) Restore to at least the conditions which existed before excavation, all surfaces which have been disturbed by the utility cut. Prior to construction, the building official will examine the existing surface in the applicant's presence, and the type of surface to be replaced in each case shall be determined by the building official.

(2) Where utility cuts are to be made among shoulder of roads and/or streets, the applicant shall repair all damage to paving which occurs as a result of the utility cut. Maintain all crossings until project completion.

(3) Prior to making any excavation, outline the limits of the proposed excavation and saw cut the pavement along the outline to a depth of at least one inch to provide a smooth pavement cut line. Carefully remove the pavement between the saw cuts and avoid damage to the paved surface outside the saw cuts. Replace with new surfaces all existing surfaces which are cut, removed, or otherwise damaged by the work under this contract, as specified hereinafter. All new surfaces shall conform accurately to the elevations and contours of the existing adjacent undisturbed surfaces.

(4) Existing gravel surfaces: Replace these with a six inch thick compacted layer of new road gravel.

(5) Existing asphalt ("black top" single bituminous surfaces and double bituminous surfaces): replace these with a six inch thick compacted base course of new road gravel. The 6 base course shall be considered as a temporary traffic surface and shall be maintained in good condition until paved. Maintenance shall include: filling pot holes, work necessary to confine stone to trench area by sweeping with mechanical sweeper with collection hopper and water fed brooms, and watering temporary surface daily, if necessary, for dust control. To avoid mixture of earth backfill and limestone base, all excess excavated material shall be removed from the work area prior to placing of the base course. Permanent pavement to consist of three (3) inches of Tennessee Department of Transportation, Bureau of Highways Subsection 411, Grading D, Asphaltic Concrete Surface (Hot Mix). Before laying asphaltic concrete surface course, apply a prime coat to the underlying base course, as specified hereinafter.

(6) Prime coat: This shall be one of the following types of liquid asphalt as authorized for the conditions involved: RC 70; RC 250; MC 250. Heat the priming material and apply it with a suitable asphalt distributor, at a uniform rate of 0.25 to 0.50 gallons per square yard of base, all as approved.

(7) Repair of existing concrete surfaces including roads, sidewalks, curbs, and gutters:

(a) General: Remove existing sidewalks and curbs and gutters only as required for utility cut and replace removed sidewalks and curbs and gutters with new sidewalks and curbs and gutters, which shall match existing undisturbed corresponding items in dimensions, finishes, grades, and arrangements.

(b) New concrete shall be 3,000 psi with an air entrainment value of six percent ( $\pm$  one percent). The water cement ratio shall be not greater than 0.50 by weight. Concrete slump shall be one to three inches.

(c) Expansion joints: Provide expansion joints on 20 foot maximum centers in curbs and gutters and on 35 foot maximum, centers in sidewalks, full depth of concrete cross section, and formed with ASTM D1751 1/2" thick expansion joint filler.

(8) Where utility cut is made on the shoulders parallel to asphalt, maintain ditches until they are firm and present no traffic hazard. Where authorized, place six inch thick compacted layers of new road gravel. (1982 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 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 and in no case shall the insurance limits be less than those stated by the building official. (1982 Code, § 12-207)

**16-208. Time limits.** Upon approval of the utility cut permit by the building official, the applicant shall have sixty (60) days in which to begin the utility cut. After sixty (60) days the utility cut permit will be void and the applicant must reapply for a new utility cut permit.

Before beginning any utility cut the applicant must notify the building official of the exact time the utility cut will be made. This notification must be made at least five (5) hours before making the utility cut if the utility cut is to be made during normal work hours of the building official. If the utility cut is to be made at a time other than during normal work hours of the building official then the applicant must notify the building official at least seventy two (72) hours before the utility cut is to be made. Any violation of this notification schedule will result in the applicant having to pay an additional fee

equal to that of the original permit fee. Any right-of-way cuts made because of the need for emergency repairs may be performed, however, a utility, cut permit must be obtained during the next business day.

The applicant for a utility cut permit must state a complete time frame for the restoration of a utility cut at the time of application. This time frame may or may not be approved by the building official. In any case a complete time frame must be agreed upon before the utility cut permit will be granted. Failure to restore the utility cut within the time frame established for the utility cut permit will result in a penalty being imposed on the applicant equal to the original fee for each complete (24) hour period after the expiration of the time frame established for the utility cut permit. In cases where the utility cut cannot be restored within the time frame established for the utility cut permit for legitimate reasons, the applicant may request from the building official an extension on the allowed time. Such request must be made before the expiration of time on the utility cut permit. The building official shall in his sole discretion approve or reject such request based on his judgment of the merit of the request.

The building official may at any time during the utility cut process order the applicant to immediately restore the utility cut to its original condition. The building official may at any time authorize the restoration of the utility cut either by city personnel or a contractor hired by the city to perform the restoration. If the utility cut is restored by the city or on its behalf, all costs will be paid for by the deposit or bond provided by the applicant.

In addition to the notification procedure required before beginning a utility cut, the building official shall be notified by the applicant of the time for beginning any stage of the utility cut restoration as deemed necessary by the building official for inspection purposes. Failure to notify the building official at least one (1) hour before the specified stage of the restoration process will result in a penalty, for each offense, to be paid by the contractor equal to the permit fee. (1982 Code, § 12-208)

**16-209. [Deleted.]** (1982 Code, § 12-210, as deleted by Ord. #39-4, May 2003)