

## ORDINANCE 22-002

### AN ORDINANCE AMENDING TITLE 16, CHAPTER 2, SECTIONS 16-204 & 16-206 OF THE KINGSTON SPRINGS MUNICIPAL CODE

**WHEREAS**, Title 16, Chapter 2, Sections 16-204 & 16-206 of the Town of Kingston Springs Municipal Code contains certain provisions regarding the excavation, cut, and/or disturbance of the streets and roads of the Town of Kingston Springs; and

**WHEREAS**, the Town of Kingston Springs Board of Commissioners desires to amend such provisions to update the deposit costs to reflect modern costs and to provide for the performance of certain work by public utilities.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF KINGSTON SPRINGS, TENNESSEE, THAT:**

1. Title 16, Chapter 2, Section 16-203 of the Town of Kingston Springs Municipal Code is hereby repealed and shall be deleted in its entirety with no replacement.
2. Title 16, Chapter 2, Section 16-204 of the Town of Kingston Springs Municipal Code shall be deleted in its entirety and the following substituted in lieu thereof:

**16-204. Deposit or bond.** No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of five-hundred dollars (\$500.00) if no pavement is involved or, if the excavation is in a paved area, then the deposit shall be the greater of five hundred dollars (\$500.00) or ten dollars (\$10.00) per square foot of estimated disturbed pavement, and the deposit 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 recorder, upon consultation with the City Manager, may increase the amount of the deposit to an amount considered by him or her to be adequate to cover the cost. From this deposit shall be deducted the expense to the town of relaying the surface of the ground or pavement and of making the refill if this is done by the town or at its expense. Upon review of finished work and approval by town staff, 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 to its previous condition. In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the town if the applicant fails to make proper restoration. Further, a surety bond so deposited by a public utility may, with the written authorization of the recorder, provide for surety to the town on a continuing basis for any and all future restorations undertaken by such public utility.

3. Title 16, Chapter 2, Section 16-206 of the Town of Kingston Springs Municipal Code shall be deleted in its entirety and the following substituted in lieu thereof:

**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 town shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the town but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. Notwithstanding the foregoing, a public utility, upon written authorization from the City Manager, which authority is vested in the City Manager, may also perform the necessary surfacing to fully restore the street, alley, or public place to its original condition. Such work performed by a public utility shall be subject to all other requirements and conditions herein.

In case of unreasonable delay in restoring the street, alley, or public place, the 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 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. Restoration shall also include the restoring work will be of such workmanship so as to guarantee the restoration for a period of one (1) year from and after the date of completion, and applicant at his expense will cause additional work to be performed if said repairs are not satisfactory or reimburse the town for maintenance it may perform for unsatisfactory restoration after receiving written notice from the town manager or building inspector.

This Ordinance shall take effect the later of the date that is 15 days after its passage or upon publication of this Ordinance or its caption, the public welfare demanding it.

Passed First Reading: 2/17/2022

Public Hearing: NA

Passed Second Reading: 3/17/2022

Tony A. Gross  
Tony Gross, Mayor

Attest:

Jamie Dupré  
Jamie Dupré, Town Recorder

Approved as to Form and Legality:

Martha Brooke Perry  
Martha Brooke Perry, Town Attorney