



City of Brentwood

Public Works Department

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DIVISION 2. - PERMIT

Sec. 58-76. - Permit required.

It shall be unlawful for any person to make any excavation in any public right-of-way, whether such right-of-way is paved or unpaved, without having first obtained a permit as herein required, and without complying with the provisions of this article; 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 public right-of-way may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practically be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the city is open for business and such permit shall be retroactive to the date when the work was begun.

(Code 1978, § 12-201; Ord. No. 97-26, § 1, 11-10-97; Ord. No. 2005-21, § 3, 8-8-2005)

Sec. 58-77. - Application.

Applications for excavation permits shall be made to the city and shall state thereon the location of the intended excavation, the size thereof, the purpose thereof, the person doing the actual excavating, and the name of the person 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 public works director or his designee within five business days after the application is filed.

(Code 1978, § 12-202; Ord. No. 97-26, § 1, 11-10-97; Ord. No. 2005-21, § 4, 8-8-2005)

Sec. 58-78. - Fees.

Upon approval of an application for an excavation permit, the applicant shall pay a permit fee, to be determined as follows:

- (1) For excavations involving disturbance of a street section or boring under a street section, the permit fee shall be in the amount of \$50.00 for up to 30 linear feet of right-of-way; plus \$5.00 for

each additional linear foot exceeding 30 feet; but not to exceed \$200.00 for any permit. A separate permit fee shall be paid for each street cut or boring.

- (2) For excavations not involving disturbance of a street section or boring under a street section, the permit fee shall be in the amount of \$100.00 for the first 100 linear feet, plus \$.50 for each linear foot exceeding 100 feet.

(Code 1978, § 12-203; Ord. No. 97-26, § 1, 11-10-97; Ord. No. 2005-21, § 5, 8-8-2005)

Sec. 58-79. - Deposit.

No excavation permit shall be issued unless the applicant for the permit has deposited with the public works director a cash deposit, certified check or letter of credit to ensure the proper restoration of the ground and laying of the pavement, if any. A letter of credit will be accepted only if issued by a financial institution with an office or branch located within the city that is authorized to accept a demand for payment. If the excavation is to occur outside of any public street, the deposit shall be in the sum of \$25.00 per linear foot of the proposed excavation. If disturbance of a street section or boring under a street section is proposed, the deposit shall be in the sum of \$4,500.00, plus \$150.00 per linear foot in excess of 30 linear feet. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the public works director 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 any expense incurred by the city for proper restoration of the pavement or other surfaces and repair of any other damages. The balance shall be returned to the applicant without interest after the excavation is completely refilled, the surface or pavement is restored to the satisfaction of the public works director or his designee, and any other damage is completely repaired.

(Code 1978, § 12-204; Ord. No. 97-26, § 1, 11-10-97; Ord. No. 2005-21, § 6, 8-8-2005)

Sec. 58-80. - Insurance.

In addition to making the deposit required to ensure 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 name the city as an additional insured party and shall include coverage for 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 public works director in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$500,000.00 for each person and \$1,000,000.00 for each accident, and for property damages not less than \$100,000.00 for any one accident, and a \$200,000.00 aggregate.

(Code 1978, § 12-207; Ord. No. 97-26, § 1, 11-10-97; Ord. No. 2005-21, § 7, 8-8-2005)

Sec. 58-81. - Time limits.

Each application for an excavation 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 public works director or his designee.

(Code 1978, § 12-208; Ord. No. 97-26, § 1, 11-10-97)