



### CITY OF NORRIS RIGHT OF WAY (ROW) PERMIT

**Permit No.**

**Permit reviews may take 7 to 10 days**

1. Job Address: \_\_\_\_\_
2. Owner, mailing address and contact no.: \_\_\_\_\_ Phone #: \_\_\_\_\_
3. Contractor, mailing address, contact no., license no. and expiration date (If applicable): \_\_\_\_\_
4. Dates of Work (Start to Finish): \_\_\_\_\_ / \_\_\_\_\_
5. Class of Work: New \_\_\_\_\_ Alteration \_\_\_\_\_ Repair \_\_\_\_\_ Move \_\_\_\_\_
6. Describe work (Provide Attached Drawing of Project):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Traffic Control Plan: is required for any project encroaching upon or obstructing the public right-of-way (row) in such a manner that it could create safety hazards or traffic congestion. MUTCD Part 6 for traffic control guidance must be followed when control is necessary.

This permit becomes null and void if work or construction authorized is not commenced within the dates proposed for construction. I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

\_\_\_\_\_  
Signature of property owner

\_\_\_\_\_  
Date

Affidavit of Exemption for workers' compensation insurance per T.C.A. 13-7-211

- I am not required to obtain coverage under the TN Workers' Compensation Law, T.C.A. 50-6-104 through 106; or
- I am performing work on my own property in my own city of residence; or
- I am directly supervising work on my own property in my city of residence.

FOR OFFICE USE ONLY

**Comments:**

**Application accepted by:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## RIGHT- OF-WAY MANAGEMENT

### SECTION

- 16-201. Intent and purpose.
- 16-202. Definitions.
- 16-203. Exemptions.
- 16-204. Right-of-way (ROW) improvement permit required.
- 16-205. Right-of-way (ROW) improvement permit applications.
- 16-206. Fee.
- 16-207. Manner of excavating – barricades, signage, and lights.
- 16-208. Restoration of public rights-of-way.
- 16-209. Expectation of care.
- 16-210. Removal notice.
- 16-211. Indemnification.
- 16-212. Time limits
- 16-213. Supervision.
- 16-214. Stop work order.
- 16-215. Violation and penalty.

**16-201. Intent and purpose.** In order to provide for the public health, safety and welfare of the citizens of the City of Norris, as well as to ensure the structural integrity of the City's streets and related infrastructures; to minimize the disruption to the traveling public; and to ensure the costs incurred by the City to maintain and manage the rights-of-way, the City hereby establishes standards for authorizing and managing the placement of non-municipal, non-utility facilities in rights-of-way; performing installation, maintenance, and other work in the rights-of-way; and appropriately recovering costs incurred by the City related to such activities.

**16-202. Definitions.** Permanent improvement means any property, asset, or alteration which has an estimated life or period of usefulness of five years or more. This does not include flowers, mulch, small shrubs with narrow root systems, or other minor landscaping alterations.

**16-203. Exemptions.** This ordinance shall not be inferred or interpreted to exempt any actor other than those or agents of those listed below:

1. City of Norris or their authorized agents
2. Utilities or their authorized agents having been granted access to rights-of-way by the City of Norris.

**16-204. Right-of-way (ROW) improvement permit required.** It shall be unlawful for any person, firm, corporation, association, or others to make any permanent improvement in the public rights-of-way as defined by Section 201 without having first obtained a Right-of-Way Improvement Permit. Any person, firm, corporation, association, or others perform work in the public right-of-way without first obtaining such permit shall be subject to penalties as stated under section 214.

Examples of permitted activities include, but not limited to:

1. Any subsurface activities
2. Driveways
3. Planting trees
4. Installing fences
5. Placement of timbers, rocks, stones, or concrete
6. Gates and pillars
7. Pole or tower lights

**16-205. Right-of-way (ROW) improvement permit applications.** Applications for such permits shall be made to the city manager, or such person designated by them to receive such applications, and shall include, but not be limited to the following:

1. Name of the applicant; and
2. A sketch or drawing of the project; and
3. Dates of the construction activity, the proposed start and stop times and any proposal to temporarily reopen any roadway for any "peak hour" period; and
4. The names of any known contractors working on the proposed project under the applicant's responsibility and authority; and
5. Proof of payment of all money due the City for rights-of-way Construction Permit fees and any invoiced cost, loss, damage, or expense suffered by the City as a result of the applicant's prior construction activity including but not limited to any emergency action taken by the City; and
6. A traffic control plan if traffic is going to be impacted.

**16-206. Fee.** The fee for such rights-of-way construction permits shall be set by resolution as adopted by the Council of the City of Norris.

**16-207. Manner of excavating-- barricades, signage, and lights.** Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the specifications and standards issued by the City of Norris and must comply with the provisions of the Tennessee Underground Utility Damage Prevention Act (Tennessee Code Annotated § 65-31-101 et. seq.). Sufficient and proper barricades, signage, and lights shall be maintained to protect persons and property from injury by or because of the excavations being made. It shall be the responsibility of the permittee to adhere to the Manual on Uniform Traffic-Control Devices.

**16-208. Restoration of public rights-of-way.** Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, curb, alley, or public rights-of-way in the City shall backfill said street, curb, alley, or public rights-of-way and restore the same including final surfacing to City specifications and standards promptly upon the completion of the work for which the excavation or tunnel is made. Final surfacing may be done by the City at the expense of the entity for which the excavation or tunnel is made if authorized prior by the Public Works Director. Otherwise, the entity will be required to place final surfacing in accordance with the requirements of this chapter. No excavation or tunnel in or under any street, curb, sidewalk, alley, or public rights-of-way shall be permitted to obstruct the flow of traffic unless the permit holder coordinates with the City Public Works Department and Police Department and provides a plan to address the impact on traffic flow. In the event final resurfacing cannot be completed immediately after backfilling, the entity shall use temporary resurfacing materials such as coldmix or steel plate or an approved detour around such opening or excavation which would aid the flow of traffic. The detour must be approved by the Public Works Director or their designee prior to establishing any such detour. Such detour routes must be adequately signed and marked according to the Manual on Uniform Traffic-Control Devices. Maintenance of signage and markings will be the responsibility of the permittee.

**16-209. Expectation of care.** Any person, firm, corporation, association, or others affecting a public right-of-way within the City, shall be responsible for any defects which occur to the public facility within the public rights-of-way due to workmanship or materials.

**16-210. Removal notice.** Any person, firm, corporation, association, or others maintaining any permanent improvements included under this ordinance, is on notice that at any time or for any reason, the public right-of-way may be cleared without further notice. If the public right-of-way is cleared, it is further understood that the City of Norris is under no financial obligation or act or cause to act to restore said improvements. In cases when the improvement is removed under this Ordinance, any action to restore said improvements will be subject to a new permit under the terms of this chapter.

**16-211. Indemnification.** Each rights-of way occupant and permittee shall, at its sole cost and expense, indemnify, hold harmless, and defend the City, its elected and appointed officials, officers, boards, commissions, commissioners, agents, employees, and volunteers against any and all claims, suits, causes of action (whether frivolous or otherwise), proceedings, and judgments for damages or equitable relief arising out of the installation, construction, maintenance, or operation of facilities by the rights-of-way occupant or permittee; the

conduct of the rights-of-way occupant's business in the City; or in any way arising out of the rights-of-way occupant's enjoyment or exercise of the privileges granted by the City or applicable law, regardless of whether the act or omission complained of is authorized, allowed, or prohibited by the City, other applicable law, or the terms of any grant to occupy the rights-of-way. Each rights-of-way occupant and permittee shall indemnify and hold harmless the City, and its elected and appointed officers, officials, boards, commissions, commissioners, employees, agents, and volunteers from and against any and all claims, demands, suits, or causes of action (whether frivolous or otherwise) of any kind or nature, and the resulting losses, costs, expenses, reasonable attorneys' fees, liabilities, damages, orders, judgments, or decrees sustained by the City arising out of, or by reason of, or resulting from or of the acts, errors, or omissions of the rights-of-way occupant or permittee, or its agents, independent contractors, or employees related to or in any way arising out of the construction, operation, or repair of the facilities in question.

The indemnity provision of this section includes, but is not limited to, the City's reasonable attorneys' fees incurred in defending against any such action, claim, suit (whether frivolous or otherwise), or proceeding, as well as the reasonable value of any services rendered by the City Attorney, or City staff or employees.

Nothing in this chapter shall be construed to waive any immunity the City enjoys under applicable law, or the Tennessee Constitution.

Acceptance of the provisions of this section shall be a condition of all rights to occupy City rights-of-way or to obtain a rights-of-way construction permit.

**16-212. Time limits.** Approved applicants shall adhere to the schedule as approved during the application process. It shall be unlawful to vary from this schedule unless permission for an extension of time is granted by the city manager.

**16-213. Supervision.** The city manager or their designee shall monitor all excavations and tunnels being made in or under any public street, curb, sidewalk, alley, or other public rights-of-way in the City and see to the enforcement of the provisions of this chapter. Notice shall be given to them before the work of refilling any such excavation or tunnel commences.

**16-214. Stop work order.** If at any time that any person, firm, corporation, association, or others is making any permanent improvements as covered by this chapter in the City and it is determined by the city manager or their designee that the work being performed is not in compliance with the City's regulations, State or federal regulations or recognized construction and/or safety practices, the city manager or their designee shall issue a stop work order and the person, firm, corporation, association, or others that is making the permanent improvement shall cease work in the City's rights-of-way until corrective measures are taken and the city manager or their designee rescinds the stop work order.

**16-215. Violation and penalty.** In addition to any other action the City may take against a permit holder in violation of this chapter, such violation shall be punishable under the general penalty provision of this code. Each day a violation occurs shall constitute a separate offense.