

Ordinance #150

AN ORDINANCE REQUIRING A BOND BY A SUBDIVISION DEVELOPER TO SECURE THE PAYMENT FOR REPAIRS TO CITY STREETS TO AND FROM THE SUBDIVISION WHICH MAY BE DAMAGED DURING THE DEVELOPMENT AND ESTABLISHING A CHARGE AND PERMIT SYSTEM FOR CUTTING CITY STREETS.

WHEREAS, subdivisions and subsequent development of property result in heavy construction traffic on the city streets; and

WHEREAS, heavy construction traffic often damages the city streets; and

WHEREAS, the costs of this damage should be born by the developer of the subdivision; and

WHEREAS, various builders, contractors and developers cut city streets to run utility lines; and

WHEREAS, such cuts even when repaired to the best of the ability of the developer usually result in bumps and dips and other defects in the streets; and

WHEREAS, the person making the cut should pay for such damages;

NOW THEREFORE BE IT ORDAINED by the city of Ashland City, Cheatham County, Tennessee as follows:

1. The developer of any subdivision within the City of Ashland City shall post a letter of credit in the amount of \$25.00 per linear foot of city roadway between the entrances to the development and each state highway or state road from which heavy delivery trucks delivering concrete and other building products would normally come making deliveries plus estimated engineering fees to be incurred to document the quality of the streets before and after project completion.

2. This letter of credit shall be posted prior to the issuance of a final plat for the subdivision.

3. The secretary of the planning commission shall prior to recording the final plat of the subdivision hire an engineer at the expense of the subdivider. This engineer shall ascertain and document the quality of the roads to and from the subdivision at that time prior to construction.

4. When the subdivision is substantially complete and built out, the building inspector shall then hire the same engineer at the

expense of the subdivider to ascertain what damages, if any, have been done to the streets by delivery trucks and other heavy truck traffic attributable to the subdivision. The discretion of the engineer shall be absolute in this matter. The engineer shall calculate the dollar value of such damage. The building inspector shall make a claim on a letter of credit for amount of damage ascertained by the licensed professional engineer and for all sums due the engineer.

5. The building inspector shall not accept a letter of credit with an expiration date shorter than 2 years. If within 3 months of the expiration of the letter of credit it appears that the subdivision will not be built out by the expiration of the letter of credit, the building inspector shall demand of the subdivider that the letter of credit be extended for an additional 1 year. If the extension is not received within 6 weeks of the expiration of the letter of credit, the building inspector shall issue a site draft to the bank issuing the letter of credit in an amount adequate to insure that the city will be compensated for any damage to the roadways.

6. The building inspector shall accept a letter of credit only from state and federally chartered banks having an office in Cheatham County or a county contiguous thereto or a federal or state chartered savings and loan association having a net worth in excess of \$50 million dollars and having it's principal offices in Cheatham County, Tennessee or a county contiguous thereto provided however, that a letter of credit from a more distant institution may be accepted when accompanied by a letter from a local institution stating that it will honor, without recourse, all sight drafts drawn on the attached letter of credit.

7. (a) Any person cutting a road for any purpose within the City of Ashland City shall first obtain a permit from the building inspector and pay a road cutting fee. The permit form shall be signed by the applicant and shall authorize the city to repair the roads at the expense of the applicant if repairs are not completed within thirty (30) days.

(b) Persons drilling under the road at a depth of 40 inches or greater and inserting a casing or pipe the same diameter as the bore shall not be required to pay a fee but shall post a bond which shall be refunded upon completion if the road is not damaged and the site of the bore is cleaned up and reseeded.

(c) The amount of the road cutting fee shall be TWO THOUSAND DOLLARS (\$2,000.00).

(d) The amount of the road boring bond shall be TWO THOUSAND DOLLARS (\$2,000.00).

(e) The building inspector or his designated representative shall inspect all boring and cutting of roads.

(f) Any person cutting a road shall return the road to as near its original condition as possible except that no dirt shall be returned to the trench. Gravel shall be used as fill and shall be compacted and the pavement or surface repaired. Repairs shall be completed within thirty (30) days. If repairs are not completed within thirty (30) days the building inspector shall contract for repairs at the expense of the permittee.

(g) Any person boring a road shall repair all damage to the road, road shoulders, ditches and area adjacent to the road.

(h) Persons cutting state or federal highways or roads shall obtain such additional state or federal permits as may be required.

8. Any person violating any portion of this ordinance shall be subject to a fine set by the City Judge but not to exceed \$50.00. Each day the illegal condition continues shall be considered a new and separate violation.

9. If any part of this ordinance is declared illegal or void by a court the remaining portions shall remain effective if these portions are not themselves void.

10. Anything to the contrary to the provisions of this ordinance contained in any ordinance or code heretofore adopted by this council is hereby repealed to the extent of the conflict but no further.

11. This ordinance shall take effect twenty (20) days after the second reading.

first reading March 12, 1996

public hearing April 9, 1996

second reading April 9, 1996

Mary Grey Jenkins  
Mary Grey Jenkins, Mayor

Attest: Demetra O'Neal