



ORDINANCE 2013 - 223

AN ORDINANCE TO AMEND ORDINANCE 96-27 SETTING SPECIFICATIONS FOR THE INSTALLATION OF UNDERGROUND UTILITY LINES IN THE TOWN OF UNICOI, TENNESSEE

WHEREAS, the Town of Unicoi, Tennessee, Board of Mayor and Aldermen feel it to be in the best interest of the general welfare of the citizens of the Town of Unicoi, Tennessee; and,

WHEREAS, the Town of Unicoi, Tennessee, Board of Mayor and Aldermen wish to protect the Town Roads and Rights-of-Way from avoidable damage; and,

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF UNICOI, TENNESSEE, as follows:

1. All utilities, including Gas, Electric, Sewer, Water, Telephone and Cable seeking to install underground lines within the Town of Unicoi shall obtain a permit from the City Recorder prior to digging on any public right-of-way within the Town of Unicoi, with the exception of a service interruption. In the event of a service interruption, a permit shall be obtained from the City Recorder on the first work day after the service interruption.
2. Upon acceptance of the Permit said Utility Company or Contractor shall be responsible for all damages done to property controlled by the Town of Unicoi.
3. All underground installation following alongside a town street must be two (2) feet from the edge of the pavement.

Voting by the Board, as follows, on December 17, 2012:

First Reading:

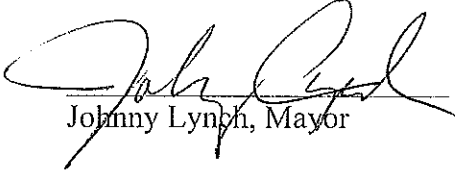
	<u>Yes</u>	<u>No</u>
Mayor Johnny Lynch	X	___
Vice Mayor Doug Hopson	X	___
Alderman Dwight Bennett	X	___
Alderman Michael Phillips	X	___
Alderman Mark Ramsey	X	___

Voting by the Board, as follows, on January 21, 2013:

Public Hearing, Second and Final Reading:


	<u>Yes</u>	<u>No</u>
Mayor Johnny Lynch	X	___
Vice Mayor Doug Hopson	X	___
Alderman Dwight Bennett	X	___
Alderman Michael Phillips	X	___
Alderman Mark Ramsey	X	___

Attest:


Johnny Lynch, Mayor


Larry B. Rea, CMC, City Recorder

Approved as to Form:


Lois B. Shults-Davis, Town Attorney

4. Any lines installed must be a minimum of three (3) feet in depth, unless a variance is obtained from the Town of Unicoi Planning Commission.
5. All laterals will be put under any paved road by pushing the pipe or boring underneath the road at such a depth that it does not disturb the road surface. In the event this cannot be accomplished, a waiver shall be obtained from the Town of Unicoi Planning Commission prior to a cut in the road. Either of these events are subject to obtaining a permit as previously described in paragraph 1.
6. In the event a road within the Town of Unicoi is cut or when a pipe is installed by pushing or boring underneath the road by said Utility or Construction Company, it shall be responsible for returning the road to the condition it was before construction began. The maintenance of the road cut shall be the responsibility of the said Utility or Construction Company for a period of one year from completion of construction and paving. The said construction company has 60 days to complete the construction unless weather delays have occurred and a waiver has been obtained from the Planning Commission.
7. All utility work performed by said Utility or Construction Company on Town of Unicoi Rights-Of-Way shall be responsible for returning the Right-of-Way to the condition it was before construction began. This event is also subject to obtaining a permit as previously described in paragraph 1.
8. Severability: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Federal or State Court or Administration or Governmental Agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.
9. The penalty for each violation of this ordinance shall be punishable as a Class C Misdemeanor, with a fine of up to \$50.00 per day of violation plus Town of Unicoi Municipal Court Costs plus any additional penalties owed for late payment of costs.

This ordinance shall become effective after its passage on the second and final reading.

Voting by the Board, as follows, on January 22, 2013:

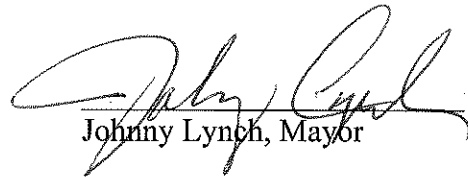
First Reading:

	<u>Yes</u>	<u>No</u>
Mayor Johnny Lynch	X	___
Vice Mayor Doug Hopson	X	___
Alderman Dwight Bennett	X	___
Alderman Michael Phillips	X	___
Alderman Mark Ramsey	X	___

Voting by the Board, as follows, on February 18, 2013:

Second and Final Reading:


	<u>Yes</u>	<u>No</u>
Mayor Johnny Lynch	X	___
Vice Mayor Doug Hopson	X	___
Alderman Dwight Bennett	X	___
Alderman Michael Phillips	X	___
Alderman Mark Ramsey	X	___


Johnny Lynch, Mayor

Attest:


Larry B. Rea, CMC, City Recorder

Approved as to Form:


Lois B. Shults-Davis, Town Attorney