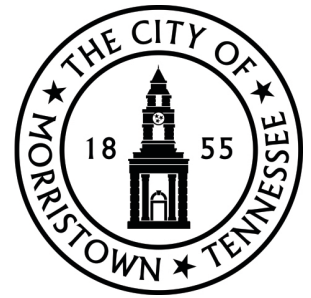


The City of Morristown

Community Development & Planning



TO: Morristown City Council
FROM: Steve Neilson, Development Director
DATE: July 7, 2026
SUBJECT: Temporary Right-of-Way Closure Ordinance

GENERAL:

Staff is proposing to add a new section to TITLE 16, STREETS AND SIDEWALKS, CHAPTER 1, GENERAL PROVISIONS which would formalize the process for the temporary closure of a public right-of-way (ROW). The primary purpose is to allow for construction in the ROW and to ensure any activity is safely managed, causes minimal disruption to traffic, and provides for the restoration of any damaged area back to its original condition.

Since the first reading, staff has made some minor amendments to the proposed ordinance. The first amendment is to clarify that the application should be submitted to the Public Works Department to begin the review process. Second, staff amended the property notification process to have City send out the notifications to affected property owners. The third proposed amendment would be to increase the application fees for “Extended Closures” from \$50 to \$100 to cover the additional cost of postage.

RECOMMENDATION:

Staff recommends that the City Council approves the proposed amendment.

TITLE 16 – WORK IN THE RIGHT-OF-WAY

CHAPTER 1 - GENERAL REGULATIONS

Sec. 16-117. -Work in the Right-of-Way/ Right-of-Way Closure Permit.

(a) *Purpose:*

The primary purpose of a "Work in the Right-of-Way/Closure Permit" is to allow the temporary closure of a public right-of-way (ROW) for construction and to ensure any activity is safely managed, causes minimal disruption to traffic, and provide for the restoration of any damaged area back to its original condition.

This section shall not apply to those governmental agencies/utilities which are otherwise authorized to work in the ROW. Any work proposed in the State's ROW must receive approval from the Tennessee Department of Transportation prior to submitting an application to the City and proof of this approval shall be submitted to the City.

(b) *Application for right-of-way closure*

All applications for right-of-way closures will be submitted to the Public Works Department.

(1) Short-Term Closures.

Any request for a short-term ROW closure (a closure request of less than 30 days) must be submitted fourteen (14) days prior to the proposed closure. Short-term closures may be approved by the City Administrator and/or his/her designee after review by the City's Traffic Team.

(2) Extended Closures

Any request for an extended ROW closure (a closure request of 30 days or more) must be submitted thirty (30) days prior to the proposed closing. Extended closures require approval by the City Council.

The City Administrator may waive the application deadlines if he/she finds that unusual circumstances or good cause exists and no unreasonable burden upon the City or its citizens will be created by

this waiver. Nothing herein prevents the City Administrator from forwarding any short-term closure requests to the City Council for consideration – particularly those of unique or extraordinary nature.

(c) *Fees*

~~Application fee for a Work in the Right of Way is \$50~~
Application fee for a Short-Term Closure Permit is \$50. The
application fee for an Extended Closure Permit is \$100.

(d) *Fines*

If an individual/entity fails to submit an application and obtain a Work in ROW Permit, the City shall be permitted to pursue all available legal remedies, including, but not limited to, the issuance of a stop work permit, prosecution of criminal offenses, and violations under the City Code of Ordinances, which may include the imposition of daily penalties at the rate of fifty dollars (\$50.00) per day, plus court costs. If the individual/entity subsequently applies for a Work in ROW Permit, the application fee shall be one hundred and fifty dollars (\$150.00).

(e) *Temporary traffic control measures/barricades/ “Plan to detour traffic”*

Except as noted below, the applicant shall be responsible for the placement and maintenance of required barricades and signs for any required traffic-directing personnel. Proposed detour routes shall be submitted with the road closure permit application. Traffic control measures must meet the most current Manual on Uniformed Controlled Devices (MUTCD) as adopted by the State of Tennessee.

(f) *Hold harmless/Liability Insurance*

Applicants shall furnish suitable indemnity insurance or a bond in the amount of one million dollars (\$1,000,000) to protect and hold the City harmless from any liability in connection with the conduct of the proposed activity. Proof of Insurance is not required at the time of the submission of the application, but shall be submitted to the City at least forty-eight (48) hours prior to the closure. If the required insurance/bond is not submitted, the City reserves the right to revoke the Work in ROW permit.

(g) *Notification to businesses affected by the temporary ROW closure.*

The ~~applicant~~ City shall notify all property owners and/or businesses adjoining the temporary ROW closure and the Hamblen County Emergency Communications District at least seven (7) days prior to closure and include dates and times of the closure.

Additional notification ~~may shall~~ be provided to other properties in the vicinity depending on the nature and impact of the proposed closure. ~~The City will notify the applicant of any additional notifications that need to be provided.~~

(h) *Denial or Revocation of permit*

A denial or revocation of a ROW closure permit may be appealed to the City Council. A written statement of appeal must be submitted within ten (10) working days of the date of the decision or action being appealed.

(i) *Other City permits.*

The issuance of a Work in the ROW permit does not relieve the applicant of the responsibility to obtain any other necessary City permits, licenses or approvals, including but not limited to, building permits, business licenses and Special Use or Special Occasion Permits.

ORDINANCE NO. _____

BEING AN ORDINANCE OF THE CITY COUNCIL OF MORRISTOWN, TENNESSEE
AMENDING CERTAIN PORTIONS OF TITLE 16 (STREETS AND SIDEWALKS, ETC),
OF THE MORRISTOWN MUNICIPAL CODE.

BE IT ORDAINED BY THE CITY COUNCIL of the City of Morristown Title 16 – Streets
and Sidewalks, ETC., Chapter 1 – General Provisions is amended to include the following:

Sec. 16-117. -Work in the Right-of-Way/ Right-of-Way Closure Permit.

(a) *Purpose:*

The primary purpose of a "Work in the Right-of-Way/Closure Permit" is to allow the temporary closure of a public right-of-way (ROW) for construction and to ensure any activity is safely managed, causes minimal disruption to traffic, and provide for the restoration of any damaged area back to its original condition.

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Section III. BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict herewith be, and the same are, hereby repealed.

Section IV. BE IT FURTHER ORDAINED that this ordinance takes effect from and after its passage, the public welfare requiring it.

Passed on second and final reading this the _____ day of _____ 2026.

Mayor

ATTEST:

City Administrator