

TITLE 16

STREETS, SIDEWALKS, AND DRAINAGE¹

CHAPTER

1. MISCELLANEOUS.
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3. RAILROADS AND TRAINS.
4. STORM-WATER DRAINAGE.

CHAPTER 1

MISCELLANEOUS

SECTION

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¹Municipal code reference

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- 16-125. Traffic calming measures.

16-101. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet.

16-102. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection.

16-103. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.¹

16-104. Banners and signs located on streets or public ways restricted. (1) It shall be unlawful for any person to place or have placed a sign or banner across, above or within any public street or way except as provided herein:

(a) The Cleveland/Bradley Chamber of Commerce is hereby designated as the coordinating agency to receive applications and recommend approval of installations to the Cleveland Planning and Inspections Office who shall issue the appropriate permit(s);

(b) Cleveland Utilities, Electric Division, shall, upon compliance with the approved application procedures and notification of such approval by the Chamber of Commerce, install to certain specifications and remove all approved banners;

(c) Banners that span across any public street or way are prohibited.

(d) A specified number of locations of street light poles located in the area along 25th Street from Interstate 75 East to North Ocoee Street (U.S. 11) are permitted for installation of an approved banner to include the following street light pole numbers:

¹Municipal code reference

Building code: title 12, chapter 1.

675, 676, 681, 684, 688, 689, 693, 694, 699, 700, 704, 707, 712, 717, 718, 721, 722, 727, 730, 735, 740, 745, 748, 752, and an unnumbered pole on the Southwest corner of 25th Street and North Ocoee Street.

In addition to the foregoing, approved poles are also located in the downtown Cleveland area on Inman Street from the railroad underpass to Keith Street and on Ocoee and Broad Streets from Firehall No. 1 to the monument. Approved poles are also located on certain streets in and around the Lee University area. Downtown poles and Lee University area poles are subject to approval by Cleveland Utilities. The approved poles located within the downtown area and within the Lee University area are as follows:

LOCATION #	DESCRIPTION	STREET LIGHT #
1	Parker Street North of Central Avenue	2442
2	Corner of Parker Street and 4 th Street	2441
3	Corner of Parker Street and 5 th Street	2440
4	Corner of Parker Street and 6 th Street	2439
5	Corner of Parker Street and 7 th Street	2438
6	Corner of Parker Street and 8 th Street	2285
7	Corner of 8 th Street and Trunk Street	2284
8	Corner of 8 th Street and Walker Street	2283
9	8 th Street between Walker and Montgomery Street	2282
10	Corner of 8 th Street and Montgomery Avenue	2281
11	8 th Street between Parker Street and Church Street	2286
12	Corner of 8 th Street and Church Street	2554
13	8 th Street West of Church Street	5338
14	8 th Street East of Ocoee Street	4135
15	8 th Street between Ocoee Street and Broad Street	2945
16	Corner of Broad Street and 8 th Street	2991
17	East side of Ocoee Street North of 8 th Street	2946

18	Ocoee Street South of Bowman Avenue	2947
19	9 th Street East of Ocoee Street	3146
20	Ocoee Street North of Bowman Avenue	2948
21	Ocoee Street North of Bowman Avenue	3275
22	Ocoee Street North of Bowman Avenue	2949
23	Ocoee Street North of 11 th Street	2950
24	Ocoee Street North of 11 th Street	2951
25	Corner of Ocoee Street and Centenary Avenue	2952
26	Ocoee Street North of Centenary Avenue	2953
27	Ocoee Street North of Centenary Avenue	3276
28	Corner of 13 th Street and Ocoee Street	2954
29	Ocoee Street North of 13 th Street	3277
30	Corner of Ocoee Street and 14 th Street	2955
31	East side of Ocoee Street South of 15 th Street	3283
32	Ocoee Street across from 15 th Street	2956
33	15 th Street between Ocoee Street and Church Street	2378
34	Corner of 15 th Street and Church Street	2542
35	Church Street between 15 th and 16 th Streets	2541
36	Corner of Church Street and 16 th Street	2540
37	Church Street between 16 th and 18 th Streets	2539
38	Church Street between 16 th and 18 th Streets	2538
39	Corner of Church Street and 18 th Street	2537
40	Church Street between 18 th Street and 20 th Street	2536
41	Corner of Church Street and 20 th	2535

42	20 th Street between Church and Parker Streets	1512
43	20 th Street between Church and Parker Streets	1513
44	20 th Street between Church and Parker Streets	1514
45	18 th Street between Parker and Church Streets	2460
46	15 th Street between Church and Parker Streets	2377
47	Magnolia Avenue South of 20 th Street	2410
48	Corner of Magnolia Avenue and 19 th Street	2411
49	Corner of Magnolia Avenue and 18 th Street	2412
50	Corner of Magnolia Avenue and 17 th Street	2413
51	Corner of Magnolia Avenue and 15 th Street	2375
52	Corner of Magnolia Avenue and 15 th Street	2374
53	Corner of Magnolia Avenue and 13 th Street	2417
54	Corner of Magnolia Avenue and 12 th Street	2418
55	15 th Street between Magnolia Avenue and Peoples Street	2373
56	Corner of 15 th Street and Peoples Streets	2372
57	Peoples Street between 13 th and 15 th Streets	2475
58	Corner of Peoples Street and 13 th Street	2473
59	Corner of 12 th Street and People Street	2479
60	13 th Street between Peoples and Montgomery Streets	2471
61	Corner of 12 th Street and Montgomery Street	2478
62	13 th Street between Peoples Street and Magnolia Avenue	2470

A map of approved pole locations shall be available in the Chamber of Commerce office and at Cleveland Utilities, Electric Division.

There shall be no exceptions to the foregoing approved pole locations unless additional pole locations are approved by an ordinance amending this section approved by the city council.

(e) The standard banner size shall be no larger than 30 inches in width by 102 inches in length (30" x 102") on 25th Street and be limited to only 30 inches in width by sixty inches in length (30" x 60") in the downtown area and the Lee University area and further is subject to the following specifications:

(i) The banner material shall be heavy-duty, weather-resistant, and double-sided;

(ii) The diameter of the banner mounting pole shall be one and one-quarter (1-1/4") inches;

(iii) The banner sleeve diameter shall be six and one-half (6-1/2") inches; and,

(iv) The approved applicant shall mount the two (2) bars per banner in the sleeve prior to installation by Cleveland Utilities.

(f) Banners may be used only for the purpose of promoting and/or sponsoring non-profit events, activities and functions.

(g) Banners that are for political campaigns, for profit advertising or any other purpose deemed to be a violation of the non-profit theme as stated in item (f) of this section are prohibited. The Chamber of Commerce shall be responsible for deciding the eligibility of the application for a banner.

(h) Organizations or persons shall make application to the Chamber of Commerce a minimum of thirty (30) calendar days prior to the opening date of the event. The chamber shall determine the eligibility of the event, then notify the applicant of their decision within seven (7) calendar days of receipt of the application. If the application is approved, the applicant shall provide the chamber the banner(s) as well as any necessary mounting equipment, supports and/or related hardware to properly install the banner(s). The sponsoring organization shall provide the chamber proof of liability insurance with the application.

(i) Banner(s) shall be removed by Cleveland Utilities, Electric Division, a minimum of two (2) weeks following an event's closing date. The banners may be reclaimed by the applicant or the applicant's designee within seven (7) calendar days without charge. Banners stored after the seven (7) days may be subject to a fee for storage not to exceed five (\$5) dollars per day. The chamber or the employees of the chamber or Cleveland Utilities or employees of the City of Cleveland shall not be held liable for any damage to any banner during any phase of this process of approving, installing, displaying, removing or storage of a banner(s).

(j) The Chamber of Commerce shall assess a fee of up to twenty dollars (\$20.00) per banner to defray the cost of Cleveland Utilities personnel and equipment used to install or remove a banner(s). The

chamber shall periodically reimburse Cleveland Utilities after receipt of a statement that specifies the date of the work performed, personnel and equipment utilized, the number of banners installed or removed and a total cost to be remitted. (as replaced by Ord. of 7/14/97, and amended by Ord. of 7/8/02, and Ord. #2005-48, Jan. 2006)

16-105. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way.

16-106. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk.

16-107. Parades, etc., regulated. It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the city clerk. Such group shall also provide a \$500 refundable deposit for failure to clean up litter and trash resulting from the parade. If the group cleans the parade route they shall be refunded their \$500 deposit fee. If the route is not clean, the city will clean the route and deduct the cost from the \$500 deposit.

Such group shall also file a certificate of insurance indicating that it is insured against claims for damages for personal injury as well as against claims for property damage up to \$500,000.

16-108. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section.

16-109. Unlawful to seize, trespass upon, etc., public streets, etc. It shall be unlawful within the city for any person to seize, trespass upon, hold or occupy any of the streets, alleys or highways of the city or any other public place without due permission of the city or of such other body politic, officer or custodian as may be lawfully in charge of such public place, or to refuse to disperse or vacate same when so directed by any lawful officer of the city. (1981 Code, § 21-1)

16-110. Unlawful to burn trash, etc., on streets. It shall be unlawful and a misdemeanor for any person to burn any trash, rubbish or other waste

material whatsoever upon any street, avenue, highway or alley, or portion thereof or willfully or negligently to damage or destroy such streets, avenues, alleys or highways or any portion thereof, by the willful or negligent application of heat in any manner whatsoever; or willfully or negligently to damage or destroy the same by the leakage, drainage or wastage of crude oil, gasoline, benzine, naphtha, kerosene, petroleum or bituminous or other damaging products upon the same. (1981 Code, 21-3)

16-111. Chapter not to interfere with cleanup or sanitation of city. Nothing in this chapter shall be construed to prohibit or interfere with the cleanup or sanitation of the city. Rubbish and/or refuse may be placed on the streets or sidewalks by citizens for collection purposes in the manner and on the dates as prescribed by the public works director. (1981 Code, § 21-12, modified)

16-112. Unlawful to hang wires lower than sixteen feet from top of ground. It shall be unlawful for any telegraph, telephone, cable television, or electric utility, or for any other person to place wires or guy wires on the streets or alleys within the limits of the city lower than sixteen (16) feet from the top of the ground; except upon written permit granted by the city manager. (1981 Code, § 21-4, modified)

16-113. Unlawful to construct gates, etc., which open over the sidewalk. It shall be unlawful for any person to construct, erect or hang any gates, doors or any kind of device so that same opens or swings upon or across any sidewalk, street or alley within the corporate limits of the city. (1981 Code, 21-5)

16-114. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.

16-115. Use of streets, etc., by tracked vehicles, farm machinery, etc. (1) It shall be unlawful and a misdemeanor for any person owning or operating any traction engine, farm implement, piece of machinery or any vehicle whatsoever mounted upon tracks, the wheels of which are rimmed with steel, iron or other metallic substance with treads bearing upon their exposed faces, corrugations, protuberances or raised portions, or any conductor, driver or operator of such vehicle, to drive, haul or otherwise transport such vehicle as hereinbefore described over, upon or across any street, the surface of which shall have been improved or paved with permanent material, or any material other than gravel, chert or water-bound macadam, except as hereinafter provided.

(2) In case such person owning or operating any such vehicle as is hereinabove fully described and set forth wishes to transport, drive, haul or pass such vehicle across any such paved or improved street as is hereinabove

described for the purpose of passing from one portion to another of some unimproved cross street, avenue, highway or alley, or to or from any property or lot of land adjacent to or abutting upon any such paved or improved street as is hereinabove described, it shall be his duty to first apply to the city manager for a license or permit so to do, and, upon receipt of such license or permit as the city manager may at his discretion grant, it shall be his further duty fully to protect such improved and paved street at the point where he may wish to cross the same with such vehicle, by means of wooden skids or wheelways, or other suitable device satisfactory to the city manager, and it shall further be the duty of such person as hereinabove set forth, in case of damage or destruction, by accident or otherwise consequent upon the passage of such vehicle, to the paved or improved surface of such street to bear the cost of repairing or replacing such damaged or destroyed portions of such paved or improved street after such repairs or replacements shall have been made by authority of the city and cost thereof fully determined, and to make bond to the city in such amount as may by inspection appear to cover such damage or destruction, with good and satisfactory surety, conditioned that he will bear such cost of repairs or replacements as soon as the amount thereof shall have been fully determined. (1981 Code, § 21-8, modified)

16-116. Unlawful to place or leave ashes, leaves, paper, construction related debris (including mud), etc., on street or sidewalk. It shall be unlawful for any person to place or cause to be placed or left upon any street, alley or sidewalk within the city, any leaves, straw, ashes, paper, dirt, bottles, pieces of glass, construction related debris (including mud), or any substances, instrument or materials which does or is calculated to in any way render the condition of such street, alley or sidewalk, unsightly or not sanitary, or to interfere with traffic or drainage. (1981 Code, § 21-9, modified)

16-117. Unlawful to place boxes, barrels, brush, etc., on streets so as to obstruct free passage of the public. It shall be unlawful for any person to obstruct the streets, alleys or sidewalks of the city, by placing boxes, barrels, brush or any other thing thereon so as to obstruct the free passage of the public. (1981 Code, § 21-10)

16-118. Abutting property owner may be required to build and/or repair sidewalks. Any person owning real estate abutting on any street, avenue or alley may be required to build and keep in repair such sidewalks as the city council shall direct to be built, the building of which shall be done under the direction of the city manager. (1981 Code, § 21-46, modified)

16-119. Notice to property owner to build; construction by city upon owner's failure. (1) Whenever it is deemed necessary by the city council that any sidewalk within the limit of the city shall be constructed or repaired,

the city manager shall have notice served upon the owner of the abutting property or upon the person having the same in charge to construct or repair the sidewalk or pavement, notifying him of the character of material to be used, the width and other reasonable requirements, which notice shall give him thirty (30) days within which to build such pavement, and which notice may be served by the chief of police.

(2) If after having received such notice any property owner shall fail to construct his walk of such material as the city manager may designate and in strict accordance with the specifications such city manager may make, then the city manager is authorized to contract for the construction or repair of such sidewalk or pavement upon the best terms obtainable and cause the same to be made according to such specifications, and when the cost of the same shall have been paid from the city treasury, the amount so paid shall constitute a charge against the owner or owners of such property and become a lien on such property, and may be recovered before any tribunal having jurisdiction of such matters. The owner of such property shall be given ninety (90) days within which to reimburse the city for such expenditure and shall be charged interest on such amount from the time of completion of the work, and an additional sum of one dollar (\$1.00) as a penalty. (1981 Code, § 21-47, modified)

16-120. Specifications. The city council through the city manager shall designate such sidewalks and the material to be used in their construction as shall be in keeping with the locality of the property affected, and shall designate the width and make such other specifications as would be suitable and in keeping with the value of the property and the location of the same, making the sidewalks in any certain locality all of the same material and of uniform dimensions. (1981 Code, § 21-48, modified)

16-121. Permission and direction required for building or repairs. The construction and repair of all sidewalks shall be under the direction of city authorities, and no property owner shall undertake to build or repair any walks or pavements anywhere within the limits of the city unless the same shall be done with the permission of the city manager and under the direction of the city manager or other person authorized to superintend such work.

Properties within the area zoned for central business district are eligible for financial assistance to install decorative sidewalks, depending upon the availability of funds. Projects will be selected giving priority to those covering the largest total continuous linear feet of sidewalk. The city will remove the existing sidewalk and contract for the installation of decorative brick sidewalks using plans and specifications approved by the director of public works and city manager. The adjoining property owners will pay for one half (1/2) of the contract price to install the decorative brick sidewalks. Said payment must be agreed to before the removal and reconstruction begins, using an agreement acceptable to the city attorney. The actual payment must be received by the city

clerk no later than ninety (90) days from billing, which will be issued upon completion of the construction contract. (1981 Code, § 21-49, modified, as amended by Ord. of June 1998)

16-122. Misdemeanor to fail to build sidewalks when so ordered.

Any property owner failing to comply with the demands of the city in building sidewalks or pavements within the time specified in his notice from the city, or any person who shall construct or repair any sidewalk without first obtaining permission as above provided shall be guilty of a misdemeanor. (1981 Code, § 21-50)

16-123. Procedures for abandonment of streets, alleys, etc. The procedures for abandonment of a street, alley or any other right of way or easement shall be as follows:

(1) The party or parties requesting the abandonment shall submit an application to the city manager, or designee, which shall be signed by all owners of the property adjoining the street, alley or right-of-way which is to be abandoned. The application shall be accompanied by a survey of the area proposed for abandonment which shall be performed by a registered land surveyor in the State of Tennessee. The survey shall include the area to be abandoned as well as any easements or public facilities and shall be reviewed by staff for additional comments.

(2) The application shall then be submitted to the planning commission for approval or disapproval.

(3) Upon review of the abandonment request by the planning commission, the planning director shall utilize the personnel and equipment of the public works department in order to have a sign placed at each end of the right-of-way proposed for abandonment. An ad shall be placed in a local newspaper which shall contain the date the city council will have a public hearing to consider the request and also contain a map showing the area sought to be abandoned. No action shall be taken by city council until five (5) days after both the ad and signs have been placed.

(4) A quitclaim deed shall be executed upon approval of the abandonment by the city council. (Ord. of Aug. 1995, as amended by Ord. of 9/13/99, § 1, and replaced by Ord. #2015-26, Sept. 2015)

16-124. Prohibitions on play and the use of skateboards, roller skates, and coasters within the City of Cleveland. (1) Definitions: For the purpose of this section, the following words shall have the following meanings:

(a) "Coaster" shall mean a footboard mounted upon two or more wheels and is most often propelled by the user in an upright standing position or while kneeling.

(b) The "courthouse and courthouse annex area" of the City of Cleveland means all that area of land bounded by Worth Street on the

West, Second Street on the North, Ocoee Street on the East, and First Street on the South, including the sidewalks lining these streets on either side.

(c) The "downtown area" of the City of Cleveland means from and including Broad Street (NE and SE) on the West, Central Avenue (NE and NW) on the North, Edwards Street (NE and SE) on the East, and Third Street (SW and SE) on the South. The downtown area is inclusive of these street sections, their intersections with each other and connecting streets, and sidewalks lining these street sections on either side.

(d) "Roller skates" or "roller blades" shall mean any footwear or device which may be attached to the foot or footwear, to which wheels are attached, including wheels that are "in line" and where such wheels may be used to aid the wearer in moving or propulsion.

(e) "Skateboard" shall mean a foot board of any material, which has wheels attached to it, and is usually propelled by the user who sometimes sits, stands, kneels or lays upon the device while it is in motion.

(2) Actions prohibited. (a) Within the courthouse and courthouse annex area. It shall be unlawful for any person to use roller skates, roller blades, coasters, or skateboards within, in, or upon any property within the courthouse and courthouse annex area of the City of Cleveland, Tennessee, at any time. This prohibition is applicable 24 hours a day, 7 days a week, 365 days a year.

(b) Within the downtown area of the City of Cleveland (excluding the courthouse and courthouse annex area). It shall be unlawful for any person to play on any of the streets or highways within the downtown area of the City of Cleveland. It shall be also unlawful for any person to use roller skates, roller blades, coasters, or skateboards on any public street, public parking lot, public sidewalk, public alley, public park, or upon any other public property within the downtown area of the City of Cleveland, Tennessee, during the hours of 9:00 A.M. to 5:00 P.M. local time.

(c) Actions prohibited on designated city streets and highways within the city. In addition to the actions prohibited in 16-124(2)(a), no person shall play on or use skateboards, roller skates, coasters, upon any of the following streets of highways within the corporate limits of the City of Cleveland.

- (i) I-75 within the city limits of Cleveland, Tennessee
- (ii) APD-40 (SR 311) within the city limits of Cleveland, Tennessee
- (iii) South Lee Highway (SR 2) from the city limits to Keith Street (SR 2)

- (iv) Keith Street (SR 2) from South Lee Highway (SR 2) to Paul Huff Parkway
- (v) North Lee Highway (SR 2) from Paul Huff Parkway to the city limits
- (vi) Paul Huff Parkway from Georgetown Road (SR 60) to North Lee Highway
- (vii) 25th Street (SR 60) from I-70 to the city limits
- (viii) Norman Chapel Road from Peerless Road to I-75
- (ix) Westside Drive from 25th Street (SR 60) to Norman Chapel Road
- (x) Georgetown Road from Harrison Pike (SR 312) to 25th Street (SR 60)
- (xi) Peerless Road from Georgetown Road to Paul Huff Parkway
- (xii) Mouse Creek Road from North Ocoee Street (SR 74) to Valley Head Road
- (xiii) Valley Head Road from Mouse Creek Road to Peerless Road
- (xiv) North Ocoee Street (SR 74) from Inman Street (SR 40) to Keith Street
- (xv) South Ocoee Street (SR 74) from Inman Street (SR 40) to Blue Springs Road
- (xvi) Blue Springs Road from Old Chattanooga Pike to APD-40 (SR 311)
- (xvii) Broad Street (SR 74) from 8th Street to 6th Street
- (xviii) Harrison Pike (SR 312) from Keith Street (SR 2) to Westside Drive
- (xix) Inman Street (SR 40) from Keith Street (SR 2) to East of Lowery Street
- (xx) South Lee Highway (SR 40) from Keith Street (SR 2) to 3rd Street (SR 40)
- (xxi) 3rd Street (SR 40) from South Lee Highway (SR 2) to North Ocoee Street (SR 74)
- (xxii) Wildwood Avenue (SR 74) from Inman Street (SR 40) to Spring Place Road (SR 74)
- (xxiii) Dalton Pike (SR 311) from Spring Place Road (SR 74) to APD-40 (SR 311)
- (xxiv) Spring Place Road (SR 74) from Dalton Pike (SR 11) to White Street
- (xxv) 20th Street, NW from Georgetown Road to Old Tasso Road
- (xxvi) Old Tasso Road from 20th Street, NW to Stuart Road
- (xxvii) Stuart Road from North Lee Highway (SR 2) to the city limits

- (xxviii) Stuart Road from the city limits to Old Tasso Road
- (xxix) Michigan Avenue Road within the City of Cleveland
- (xxx) Stuart Road from Old Tasso Road to Michigan Avenue Road.
- (xxxi) Blythe Ferry Road from North Ocoee Street (SR 74) to Old Tasso Road
- (xxxii) 20th Street from Old Tasso Road to Michigan Avenue Road
- (xxxiii) 37th Street from Old Tasso Road to 20th Street
- (xxxiv) Raider Drive from Keith Street (SR 2) to Peerless Road
- (xxxv) Mimosa Drive from Mouse Creek Road to Peerless Road
- (xxxvi) Mouse Creek Road from Paul Huff Parkway to the city limits
- (xxxvii) Peerless Road from Paul Huff Parkway to Valley Head Road
- (xxxviii) Adkisson Drive from Executive Park Drive to Paul Huff Parkway
- (xxxix) Frontage Road from Paul Huff Parkway to the city limits
- (xl) Norman Chapel Road from Adkisson Drive to I-75
- (xli) Candies Lane from Georgetown Road (SR 60) to Freewill Road
- (xlii) Freewill Road from Interlackin Circle (city limits) to city limits
- (xliii) 17th Street from Georgetown Road to North Ocoee Street (SR 74)
- (xliv) Parker Street from 3rd Street to 25th Street (SR 60)
- (xlv) Central Avenue from Highland Drive (SR 74) to Gaut Street
- (xlvi) Gaut Street from Inman Street to 6th Street
- (xlvii) 6th Street from Gaut Street to Benton Pike
- (xlviii) Edwards Street from 3rd Street to Central Avenue
- (xlix) 3rd Street North Ocoee Street (SR 74) to Mill Street
- (l) Mill Street from 7th Street to Inman Avenue (SR 74)
- (li) 7th Street from Mill Street to King Edward Avenue (SR 74)
- (lii) King Edward Avenue from 7th Street to 6th Street
- (liii) 6th Street from King Edward Avenue to Wildwood Avenue
- (liv) Smith Drive from South Lee Highway (SR 2) to South Ocoee Street (SR 74)

- (lv) 20th Street from South Ocoee Street (SR 74) to Dalton Pike (SR 311)
- (lvi) Blackburn Road from Dalton Pike (SR 311) to Dockery Lane
- (lvii) Dockery Lane from Blue Springs Road to the city limits
- (lviii) Blue Springs Road from the city limits to APD-40 (SR 311)
- (lix) Sunset Drive from Henderson Avenue to Ocoee Street
- (lx) Henderson Avenue from Keith Street to 25th Street
- (lxi) Chambliss Avenue from 20th Street to 25th Street
- (lxii) Villa Drive from Georgetown Road to Freewill Road
- (lxiii) Executive Park Drive from Adkisson Drive to Ridgeway Drive
- (lxiv) Ridgeway Drive from Executive Park Drive to Georgetown Road
- (lxv) Clingan Ridge Drive from Westside Drive to Peerless Road
- (lxvi) Julian Drive from 25th Street to McIntire Drive
- (lxvii) McIntire Drive from Julian drive to Ocoee Street
- (lxviii) Westside Drive from Georgetown Road to Harrison Pike
- (lxix) 11th Street from Georgetown Road to Harrison Pike
- (lxx) 15th Street from Ocoee Street to Carolina Avenue
- (lxxi) Carolina Avenue from 11th Street to 15th Street
- (lxxii) Willow Street from Georgetown Road to Highland Avenue
- (lxxiii) Highland Avenue from Inman Street to 17th Street
- (lxxiv) 8th Street from Highland Avenue to Benton Pike
- (lxxv) Church Street from 11th Street, NE to 6th Street, SE
- (lxxvi) Grove Avenue from Harrison Pike to South Lee Highway
- (lxxvii) 2nd Street from Worth Street to 1st Street
- (lxxviii) 1st Street from Highland Avenue to Edwards Street
- (lxxix) East Street from 6th Street, NE, to Wildwood Avenue
- (lxxx) 9th Street from East Street to Euclid Avenue
- (lxxxii) Euclid Avenue from 3rd Street to 9th Street
- (lxxxii) King Edward Avenue from 9th Street to 20th Street

- (lxxxiii) 14th Street from Wildwood Avenue to Johnson Blvd.
- (lxxxiv) Johnson Blvd. from Bates Pike to Wildwood Lake Road
- (lxxxv) Wildwood Lake Road from Wildwood Avenue to Spring Place Road
- (lxxxvi) White Street from Baldwin Street to Wildwood Lake Road
- (lxxxvii) Baldwin Street from APD 40 to Dalton Pike
- (lxxxviii) Red Food Drive from APD 40 to Dalton Pike
- (lxxxix) Westland Drive from APD 40 to Victory Street
- (xc) Victory Street from Westland Drive to South Lee Highway

(d) Actions prohibited where property is posted. In addition to the actions prohibited in 16-124(2)(a) through 16-124(2)(c), no person shall play on or use skateboards, roller skates, or coasters upon any property, public or private, within the corporate limits of the City of Cleveland which has been posted with a sign which reads: "No Skateboards," "No Skateboarding," "No Skates," "No Skating," or any similar language which is intended to inform a reasonable person that said activities are prohibited on the property.

(3) Civil penalty. A person who violates any provision of this section is guilty of a civil offense punishable by a civil penalty not to exceed \$50, plus applicable court costs and litigation taxes. (as added by Ord. of 10/28/96, and replaced by Ord. #2005-14, April 2005; and Ord. #2006-8, March 2006)

16-125. Traffic calming measures. All requests for the installation of traffic calming measures will be directed to the public works director. The public works director will receive these requests and compare the existing condition at the proposed location to the minimum standards for traffic calming as contained herein. Any locations which do not meet the minimum standards will be rejected. All locations which meet or exceed the minimum standards will be subjected to an engineering study which will determine:

(1) The extent of the conflicts between vehicular traffic and pedestrians.

(2) The probability that traffic calming measures will reduce the conflicts between vehicular traffic and pedestrians.

(3) Based upon recognized engineering guidelines, recommendations regarding specific traffic calming measures, if any, which should be installed to reduce conflicts between vehicular traffic and pedestrians.

Based upon the results of the engineering study, the public works director will make the determination regarding the installation of the traffic calming measures, and make recommendations accordingly to the city manager. The city manager will review the recommendations and submit them to the city

council for appropriate action. In determining whether to install traffic calming devices, the city council will consider the benefit to be derived, the cost, and the relative priority of the particular project compared to all other planned transportation projects, given the limited funding available on an annual basis.

The minimum standards for traffic calming are as follows:

	Major Collector	Minor Collector	Local Street
Traffic Volume	> 8,000 vpd	> 4,000 vpd	> 1,000 vpd
85th Percentile Speed	10 mph > speed limit	10 mph > speed limit	> speed limit
Pedestrian Volume	> 100 per hour	> 50 per hour	> 25 per hour

(as added by Ord. of 8/14/2000)

CHAPTER 2

STREET CUTS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Safety restrictions on excavations.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, including utility districts to make any excavation in any street, alley, sidewalk or public place, or to tunnel under any street, alley, sidewalk or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; 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 street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the public works director is open for business, and the permit shall be retroactive to the date when the work was begun. Cleveland Utilities and all franchised utilities shall be given a blanket permit annually, but must notify the public works director on such form as he shall require each time a cut or bore is made. (Ord. of Sept. 1995)

16-202. Applications. Applications for such permits shall be made to the public works director, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation,

¹State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others 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 approved or rejected by the public works director within twenty-four (24) hours of its filing. (Ord. of Sept. 1995)

16-203. Fee. (1) The fee for such permits shall be three hundred fifty dollars (\$350.00). This fee is to cover the costs of inspection of backfill, and an asphalt patch of up to forty-eight (48) square feet. Any excavation larger than forty-eight (48) square feet shall require an additional fee, to be determined by the public works director based on the size of the excavation.

(2) In addition to the fee(s) set forth in subsection (1), there shall be an additional fee imposed when any street cut results in any section of a city street having street cut(s) that comprise twenty percent (20%) or more of any five hundred foot (500') section of that street.

(a) This additional fee will be equal to the city's cost of repaving that five hundred foot (500') section of that city street.

(b) This additional fee will be paid by the entity making the street cut. When more than one (1) entity is responsible for the street cuts within a particular five hundred foot (500') section, the additional fee shall be prorated between the entities making the street cuts on a percentage basis. The percentage assessed to each entity will be equal to their percentage of the total street cuts that exist within a particular five hundred foot (500') section. This assessment is illustrated by the following example: Assume Entity A makes a street cut in a particular city street that results in twenty percent (20%) or more of a five hundred foot (500') section of that city street having street cuts. Assume further that after this last street cut is made there are a total of fifteen (15) street cuts within that five hundred foot (500') section of that city street. Assume further that one (1) entity made ten (10) of those street cuts and another entity made five (5). The first entity would pay the city an amount equal to two-thirds (2/3) of the city's costs of repaving that five hundred foot (500') section of the city street, and the second entity would pay the remaining one-third (1/3).

(c) The additional fee set forth in subsection (b) will not be charged if that five hundred foot (500') section of that particular city street is already scheduled to be repaved by the city within three (3) years. (Ord. of Sept. 1995, as amended by Ord. of Oct. 1995, and Ord. #2003-14, June 2003, replaced by Ord. #2008-52, Aug. 2008, and Ord. #2010-23, June 2010, and amended by Ord. #2014-18, May 2014, and Ord. #2021-15, June 2021 **Ch18_01-10-22**)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the city a cash deposit. The deposit shall be in the sum of five hundred dollars (\$500.00) if no pavement is involved or one thousand dollars (\$1,000.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and pavement, if necessary. 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 he deems adequate to cover the cost. From this deposit shall be deducted the expense to the city of relaying the surface of the ground or pavement, and of making the refill if this is done by the city or its contractor. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored. The public works director shall waive the bond requirements for Cleveland Utilities and any utility company franchised by the City of Cleveland or the State of Tennessee.

In lieu of a deposit the applicant may deposit with the city clerk a surety bond in such form and amount as the public works director shall deem adequate to cover the costs to the city if the applicant shall fail to make proper restoration. (Ord. of Sept. 1995)

16-205. Safety restrictions on excavations. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users, as required in the Uniform Manual for Traffic Control Devices. (Ord. of Sept. 1995)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, sidewalk, or public place in this city shall restore the street, alley, sidewalk, or public place to its original condition following guidelines established by the public works director. However, the asphalt resurfacing shall be done by the city, but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, sidewalk, or public place, the city shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the city will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If the conditions of the above notice have not been met within the specified time, the work shall be done by the city, an accurate account

of the expense involved kept, and the total cost shall be charged to the person, firm, corporation, or others making the excavation or tunnel. Reasonable time for repair is defined as forty-eight (48) hours from the time the excavation begins. Utility companies may request a time extension if line repair requires it. If requested by the applicant, the city shall make the sidewalk repairs and charge the full expense thereof to the applicant.

Any person, firm, corporation, association, or others making any bore under any street, alley, sidewalk, or public place in this city shall restore the street, alley, sidewalk, or public place to its original condition if boring results in any damage to the original condition. Said repairs shall be made following guidelines established by the public works director. If the necessary repairs are not made within a reasonable time as set out by the public works director, the work shall be done by the city, an accurate account of the expenses involved kept, and the total cost charged to the person, firm, corporation, or others making the bore.

If the public works director makes any changes in the guidelines authorized in this chapter for repair of the streets, sidewalks, or other public places, then the city council shall be notified in writing of the change(s) at its next regularly scheduled meeting. The notification shall explain fully the reasons for the changes. (Ord. of Sept. 1995, as amended by Ord. of Oct. 1995)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applicant 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 might arise from or out of the performance of the work, either by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover 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 city clerk in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$150,000 for each person and \$350,000 for each accident, and for property damages not less than \$50,000 for any one (1) occurrence, and a \$75,000 aggregate. (Ord. of Sept. 1995)

16-208. Time limits. Each application for a 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 paving by the city. 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. (Ord. of Sept. 1995)

16-209. Supervision. The public works director or his designees shall inspect all excavations and tunnels being made in or under any public street, alley, sidewalk or other public place in the city, and shall be responsible for the enforcement of the provisions of this chapter. Notice shall be given to him or his designees at least two (2) hours before the work of refilling any such excavation or tunnel commences. The public works director or his designees are hereby authorized to issue stop work orders on any job where the excavation or refilling is not being carried out safely, or in compliance with this chapter and the guidelines for restoration required in § 16-206. (Ord. of Sept. 1995)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the public works director. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (Ord. of Sept. 1995)

CHAPTER 3

RAILROADS AND TRAINS

SECTION

16-301. Watchman, gates or signal device required at certain crossings.

16-302. Trains to sound bell or whistle at short intervals.

16-303. Unlawful to create unnecessary noise.

16-304. Trail toilets to be closed and not used while in city.

16-305. Unlawful to obstruct road crossing for more than ten minutes at a time.

16-306. Penalties.

16-301. Watchman, gates or signal device required at certain crossings. Any railroad company owning or otherwise responsible for railroad tracks within the city limits is hereby required to place and install gates or suitable signal devices at all grade crossings within the city designated by the city council. (Ord. of Nov. 1998)

16-302. Trains to sound bell or whistle at short intervals. Railroad trains shall not be run inside of the city without the bell or whistle being sounded at short intervals. Any engineer, fireman, or other servant or employee in charge may be held liable for the violation of this section. (Ord. of Nov. 1998)

16-303. Unlawful to create unnecessary noise. It shall be unlawful for any engineer, fireman or other person in charge of a railroad engine unnecessarily to blow the whistle or create any other unnecessary noise, within the limits of the city; provided, nothing in this section shall prohibit the observance of the provisions of the laws of the state with reference to the prevention of accidents by the sounding of alarms. (Ord. of Nov. 1998)

16-304. Trail toilets to be closed and not used while in city. It shall be unlawful for any railroad cars to enter the city limits with the toilet doors open, or for such doors to be left open while such cars are in the city, for any person to enter the same and deposit offal therein while in the city. The railroad company or conductor in charge, or either of them, may be held liable for a violation of this section. (Ord. of Nov. 1998)

16-305. Unlawful to obstruct road crossing for more than ten minutes at a time. No railroad company shall obstruct a road crossing by cars, or otherwise, more than ten (10) minutes at a time, and the company or the engineer and conductor, fireman, flagman or other servant in charge, or all or either of them may be held liable for any violation of this section; provided, however, that no member of a train crew may be held personally guilty of a

violation of this section upon proof that his action was necessary to comply with the orders or instructions of his employer or its officers. (Ord. of Nov. 1998)

16-306. Penalties. Violations of this chapter shall be punishable by a fine not to exceed fifty dollars (\$50.00) plus court costs for each offense. Each day any violation of this chapter continues shall constitute a separate civil offense. The imposition of such civil penalty shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. (Ord. of Nov. 1998, as amended by Ord. of 2/10/03)

CHAPTER 4

STORM-WATER DRAINAGE

SECTION

16-401. Drainage ditches.

16-402. Private ditches.

16-403. Ditch enclosure by owner.

16-404. Priorities for drainage improvements.

16-405. New drainage systems.

16-406. Waiver of assessments and costs.

16-401. Drainage ditches. Where drainage ditches, creeks, streams, and other waterways cross private property, it shall be the responsibility of the property owner to keep the banks clean and to keep the ditches, creeks, streams, and other waterways clear of all obstructions which could impede the natural flow of rainfall runoff. The property owner who changes the natural flow of water or intensifies the flow of water off of his property may be liable to the adjacent property owner(s) for any damages in accordance with Tennessee law. No buildings shall be constructed on top of drainage systems or within any drainage easement. (Ord. of Jan. 1999)

16-402. Private ditches. Any ditch which originates on private property or exists outside of an accepted right-of-way or storm drainage easement shall be considered a private ditch. The city will not participate in the construction or maintenance of a private ditch, or of its enclosure. (Ord. of Jan. 1999)

16-403. Ditch enclosure by owner. Plans and specifications shall be approved by the department of public works on all ditch enclosure projects planned by the owner. No approval will be required by the property owner who plans to enclose a private ditch unless the ditch receives direct discharge from a city street or upstream properties. (Ord. of Jan. 1999)

16-404. Priorities for drainage improvements. (1) The city may participate in the enclosure of ditches and improvement of existing drainage pipes and catch basins on a priority basis. The city will determine the feasibility of enclosing the ditches or improving existing drainage pipes and catch basins, and notify the adjoining property owner(s) of its intentions. The city council shall annually determine in its budgeting process, if not before, those projects to be undertaken based upon available financial resources. Any drainage request shall be forwarded to the public works director, who shall make a recommendation to the city manager and city council of a priority ranking, using

the ranking system herein. Upon receiving the recommendation, the city council shall determine the priority of the request for future funding.

(2) The city shall bear the full cost of design, labor, materials and equipment for those projects listed below as first priority. The city shall pay for that portion of an approved joint project listed below as a second priority which it has agreed to in negotiations. On all such second priorities, the city manager shall make a recommendation to the city council, after consulting with the public works director.

(3) For all other priorities, the city will participate in enclosing or improving a ditch by furnishing engineering design, labor and equipment. All materials costs for other than first or second priorities shall be borne by the affected property owners benefited using any cost assessment formula allowed by Article II, Section I of the city charter and the general statutes of the state; and approved by the city council. In addition, benefited property owners must provide any required drainage easements or rights-of-way to the city. All work will be performed or contracted by the city, with payment of property owners' shares by special assessment. In determining the ranking of projects, the city council will consider among other things the willingness of the benefiting property owners to pay special assessments. All design of drainage facilities is subject to approval by the city engineer, and must meet the minimum design standards as established by ordinances.

(4) The five priority rankings for drainage improvements shall be as listed below. These rankings may be changed by the city council due to unforeseen circumstances that constitute an emergency.

(a) First priority will be drainage facilities and ditches that are the responsibility of the city, and are inadequately sized or constructed such that they represent a hazard to life or property. This shall include any regional detention/retention pond recommended to reduce the hazard to life or property. In determining priorities within this classification, projects improving or removing hazards to life shall take precedence over those improving or removing hazards only to property.

(b) Second priority will be joint projects with a developer coinciding with his improvements, when in the opinion of the city council it is in the city's best long-term interest to make this investment to improve the city's drainage system. These projects shall be negotiated by the city manager and the public works director on behalf of the city council, but shall not be final without approval by the city council. Since these projects often come up at unexpected times, the city council may designate a certain portion of its annual budget for drainage projects as a contingency for such projects.

(c) Third priority will be ditches receiving direct discharge from a city-maintained street.

(d) Fourth priority will be ditches receiving secondary discharge from a city-maintained street. (Example: A ditch receiving water from

an abutting lot that receives direct discharge from a city-maintained street.)

(e) Fifth priority will be ditches paralleling existing city-maintained streets. However, where new residential, commercial, institutional, or industrial construction requires piping for a driveway connection, the property owner shall be responsible for the full cost of piping installation and materials. (Ord. of Jan. 1999)

16-405. New drainage systems. (1) Owners or developers of property 10,000 square feet or more in size shall submit for approval by the city engineer a soil erosion and sedimentation control plan meeting city regulations prior to any construction or lot-clearing. Owners or developers of property five (5) acres or more in size shall submit a soil erosion and sedimentation control plan to the state for approval, with a copy sent to the city engineer.

(2) Owners or developers of property prior to any development shall submit plans and specifications for the construction of a drainage system when required by the soil erosion and sediment control ordinance or the subdivision regulations. The owners or developers must install at their cost the improvements required by said ordinances and regulations, with all necessary easements, rights-of-way and drainage system improvements dedicated to the city at no cost. After acceptance of such dedication, the city shall be responsible for maintenance of the accepted drainage system. (Ord. of Jan. 1999)

16-406. Waiver of assessments and costs. The city council may waive the payment of all or any portion of a special assessment or cost for a drainage improvement project for any property owner whose family income would qualify them for a housing loan under the Tennessee Housing Development Agency (THDA) program, as amended. The city shall use the same income verification process that THDA uses to determine eligibility for this waiver. Any waiver granted shall not increase the amount of assessment or cost of other property owners benefiting by the drainage project. The city shall absorb the cost of any waived assessments or costs. (Ord. of Jan. 1999)