

## TITLE 16

### STREETS AND SIDEWALKS, ETC.<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. DRIVEWAYS.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Animals and vehicles on sidewalks.
- 16-111. Fires in streets, etc.
- 16-112. Street acceptance policy.
- 16-113. Closing streets without authorization.
- 16-114. Violations and penalty.

**16-101. Obstructing streets, alleys, or sidewalks prohibited.** No person shall use or occupy any portion of any public street, alley, sidewalk, or right-of-way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials.

No person shall use or occupy any portion of any public street, alley, sidewalk, or right-of-way for the purpose of stopping, standing, or parking any vehicle, unless such area is a designated parking area. Emergencies of less than twenty-four (24) hours accepted provided there is no obstruction of traffic. (2004 Code, § 16-101)

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<sup>1</sup>Municipal code reference

Motor vehicle and traffic regulations: title 15.

**16-102. 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 out over any street or alley at a height of less than fourteen feet (14') or over any sidewalk at a height of less than eight feet (8'). (2004 Code, § 16-102)

**16-103. 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. (2004 Code, § 16-103)

**16-104. 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.<sup>1</sup> (2004 Code, § 16-104)

**16-105. Banners and signs across streets and alleys restricted.** It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the city council after a finding that such banner or sign will create no hazard. (2004 Code, § 16-105)

**16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law. (2004 Code, § 16-106)

**16-107. Littering streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (2004 Code, § 16-107)

**16-108. 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. (2004 Code, § 16-108)

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<sup>1</sup>Municipal code reference  
Building code: title 12, chapter 1.

**16-109. Abutting occupants to keep sidewalks clean, etc.** The occupants of property abutting 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. (2004 Code, § 16-109)

**16-110. 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 to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (2004 Code, § 16-110)

**16-111. Fires in streets, etc.** It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (2004 Code, § 16-111)

**16-112. Street acceptance policy.** The City of Eagleville shall not, nor shall any public authority accept, lay out, open, improve, grade, or pave any street unless such street shall have been accepted or opened as or shall have otherwise received the legal status of a public street.

No street within the City of Eagleville shall be accepted or opened as or shall have otherwise received the legal status of a public street without prior inspection and approval by the city road and road drainage engineer. (2004 Code, § 16-112, modified)

**16-113. Closing streets without authorization.** No person, without authorization of the city, shall block or prevent the flow of traffic on any street or thoroughfare. (modified)

**16-114. Violations and penalty.** Violations of this chapter shall subject the offender to a penalty under the general penalty provision of this code.

## CHAPTER 2

### EXCAVATIONS AND CUTS<sup>1</sup>

#### SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Manner of excavating; barricades and lights; temporary sidewalks.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.

**16-201. Permit required.** It shall be unlawful for any person, firm, corporation, association, other governmental unit or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, 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 of the city, and said permit shall be retroactive to the date when the work was begun. (2004 Code, § 16-201, modified)

**16-202. Applications.** Applications for such permits shall be made to the codes enforcement officer 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, association or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, the time of beginning of the work and the time of completion of the work, and shall contain an agreement that the applicant will comply with all ordinances and laws

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<sup>1</sup>State 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).

relating to the work to be done, that the city may correct unacceptable installation or incomplete installation, and that the city may use the cash or security bond for unsatisfactory work or incomplete performance. Such application shall be rejected or approved by the public works director within twenty-four (24) hours of its filing and a permit issued if approved. (2004 Code, § 16-202)

**16-203. Fee.** The fee for this permit shall be established from time to time by the city council.

**16-204. Deposit or bond.** No such permit shall be issued unless and until the applicant therefor has deposited with the codes enforcement officer a cash deposit, or in lieu thereof, 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 fails to make proper restoration. The deposit shall be in the sum of five hundred dollars (\$500.00) for a minor city street or one thousand dollars (\$1,000.00) for a collector street or a major thoroughfare. 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 considered by him to be adequate to cover the estimated costs. From this deposit shall be deducted any expense to the city of correcting or completing any installation to city specifications. The balance, if any, shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored. (2004 Code, § 16-204)

**16-205. Manner of excavating; barricades and lights; temporary sidewalks.** 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. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. All traffic control and obstructions must be coordinated with the Eagleville Police Department and with the public works department. It is the responsibility of the permittee to control traffic. If any walkway or street is blocked by any such work, a temporary walkway or street shall be constructed or provided with detour signs which shall be safe for travel and convenient for users. (2004 Code, § 16-205)

**16-206. Restoration of streets, etc.** Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in the city shall restore said street, alley, or public place to its original condition. In case of delay past the completion date set forth in the application, the codes enforcement officer shall give notice to the applicant and the person for whom the work was done if different that unless the excavation or tunnel is refilled properly within a specified period of time, the city will do the

work and charge the expense of doing the same to the applicant or the person for whom the work was done. If within the specified time the conditions of the above notice have not been complied with the work shall be done by the city, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the applicant or the person for whom the work was done. (2004 Code, § 16-206)

**16-207. Insurance.** In addition to making the cash deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that the applicant is covered by workman's compensation insurance as well as against claims for property damage or personal injury which may arise from or out of the performance of the work, whether such performance be by the applicant, 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 codes enforcement officer in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than three hundred thousand dollars (\$300,000.00) for proper damages. (2004 Code, § 16-207)

**16-208. Time limits.** Each application for a permit shall state the length of time that will elapse from the commencement of the work until the restoration of the surface, but in no case shall the time for restoration exceed sixty (60) days. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the codes enforcement officer. (2004 Code, § 16-208)

## CHAPTER 3

### DRIVEWAYS

#### SECTION

16-301. "Driveway" defined.

16-302. Application.

16-303. Review of application; approval; culverts.

16-304. Costs of construction.

16-305. Requirements in addition to planning commission regulations.

16-306. Removal of offending conditions.

**16-301. "Driveway" defined.** The term "driveway" as used in this chapter shall mean any portion of a normal sidewalk area, including grass plot, curb, gutter, and sidewalks of the streets, roadways, and alleys of the City of Eagleville, Tennessee, intended for use by vehicles as a means of ingress and egress between public right-of-way and abutting property. (2004 Code, § 16-301)

**16-302. Application.** It shall be the duty of all persons intending or proposing to construct a driveway for vehicular access to and from the public streets and alleys to make an application for authorization of construction, reconstruction, or major repair of driveways on forms prescribed by the city manager of the City of Eagleville. Applications shall be signed by the property owner, lessee, developer, or contractor. (2004 Code, § 16-302, modified)

**16-303. Review of application; approval; culverts.** It shall be the duty of the building inspector to give due consideration to the convenience, safety, regular movement of pedestrian and vehicular traffic, and drainage, when reviewing a driveway application. It shall be the further duty of the city manager or designee to approve or disapprove said driveway application and to require any culverts under said driveway to be a minimum eighteen inches (18") in diameter. (2004 Code, § 16-303, modified)

**16-304. Costs of construction.** The cost of driveway construction or major driveway repair, or the installation of culverts, shall be borne by the owner, lessee or other lawful holder of the property to be served. (2004 Code, § 16-305)

**16-305. Requirements in addition to planning commission regulations.** All requirements under this chapter are in addition to the requirements and regulations imposed by the Eagleville Planning Commission. (2004 Code, § 16-306)

**16-306. Removal of offending conditions.** Any person violating any of the provisions contained in this chapter shall be notified that the offending driveway construction, reconstruction, repairs, or culvert shall be removed. Notification shall be made by the building inspector in writing to the property owner, lessee, contractor, or lawful holder of said property to the effect that the offending work must be removed within ten (10) days from date of notification, and the driveway replaced to conform to the provisions contained in this chapter. In the event of failure to comply with notification, the City of Eagleville will make the necessary driveway corrections and assess the cost against the property abutting the driveway. (2004 Code, § 16-307)