

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. HOUSE AND BUSINESS NUMBERING.

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. Parades, etc., regulated.
- 16-111. Animals and vehicles on sidewalks.
- 16-112. Use of skateboards, roller skates, etc., on streets, sidewalks, etc.
- 16-113. Fires in streets, etc.
- 16-114. Street acceptance policy.

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. (2005 Code, § 16-101)

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, alley at a height of less than fourteen feet (14') or over any sidewalk at a height of less than eight feet (8'). (2005 Code, § 16-102)

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

16-103. Trees, etc., obstructing view at intersections prohibited.

It shall be unlawful and a nuisance 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. When such property owner or occupant fails to abate such nuisance after reasonable notice and order to do so, the Town of Erwin, acting through and by its street committee, may abate such nuisance, and remove such obstruction. The cost and expense thereof shall be and stand assessed as a lien against the property involved and shall be immediately due and payable. (2005 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.¹ (2005 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 board of mayor and aldermen after a finding that no hazard will be created by such banner or sign. (2005 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 statute. (2005 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. (2005 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. (2005 Code, § 16-108)

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk

¹Municipal code reference

Building code: title 12, chapter 1.

clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (2005 Code, § 16-109)

16-110. 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 recorder. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to clean up the resulting litter immediately. (2005 Code, § 16-110)

16-111. 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. (2005 Code, § 16-111)

16-112. Use of skateboards, roller skates, etc., on streets, sidewalks, etc. It shall be unlawful to operate skateboards, roller skates, scooters, coasters, bicycles, wagons or other toys of like kind, by whatever name called, upon the streets, sidewalks, avenues and other public places within the central business district (B-3) and the supporting central business district (B-4) of the Town of Erwin, Tennessee, and within that portion of the arterial business district (B-2) of the Town of Erwin, Tennessee, which lies adjacent to North Main Avenue in the Town of Erwin, Tennessee; provided however, it shall not be unlawful to operate bicycles having wheels each of which equals or exceeds twenty inches (20") in diameter, and which meets all other specifications of any applicable laws or ordinances, upon the streets and avenues within said specified districts of the Town of Erwin, Tennessee. (2005 Code, § 16-112)

16-113. 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. (2005 Code, § 16-113)

16-114. Street acceptance policy. In order to provide for adequate street improvements, elimination of traffic congestion, and the health, safety, and general welfare of the citizens of the Town of Erwin, the board of mayor and aldermen shall not accept as a public street any recorded right-of-way until it has met the minimum standards herein described.

(1) The proposed street shall have a right-of-way width of at least fifty feet (50') unless the requirement would cause undue hardship.

(2) All roadway improvements of proposed streets shall meet the roadway standards as outlined in article IV, section A, subsections a, b, c and d of the Erwin, Tennessee, Subdivision Regulations,¹ said subdivision regulations adopted by the Erwin Planning Commission on November 18, 1968.

(3) Prior to final acceptance of a proposed street as the public street, the Erwin Planning Commission shall study a plat of the proposed street and make its approval or disapproval known to the board of mayor and aldermen. (2005 Code, § 16-114)

¹Subdivision regulations for the Town of Erwin, Tennessee are of record in the office of the town recorder.

CHAPTER 2

EXCAVATIONS AND CUTS¹

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.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley or public place in the town 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 be in violation of or variance 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, provided the permit could not reasonably and practically have been obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the town recorder is open for business and said permit shall be retroactive to the date when the work was begun. (Ord. #719-20, June 2020)

16-202. Applications. Applications for such permits shall be made to the town recorder 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, and shall

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).

contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the town recorder within twenty-four (24) hour of its filing. (Ord. #719-20, June 2020)

16-203. Fee. The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five feet (25') in length; and twenty-five cents (\$.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (Ord. #719-20, June 2020)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefore has deposited with the town recorder a cash deposit. The deposit shall be in the sum of twenty-five dollars (\$25.00) if pavement is involved or seventy-five dollars (\$75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the town recorder may increase the amount of the deposit to an amount considered by him to be adequate to cover the said cost. From this deposit shall be deducted the expense to the town of relaying the surface of the ground or pavement, and of making the refill if this is done by the town or at its expense. 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. Provided, however, that all public utility companies operating under license or franchise by the governing bodies of the Town of Erwin, County of Unicoi, State of Tennessee, or the Government of the United States of America, shall be exempt from the provisions of this section.

In lieu of a deposit the applicant may deposit with the town recorder a surety bond in such form and amount as the town recorder shall deem adequate to cover the cost to the town if the applicant fails to make proper restoration. (Ord. #719-20, June 2020)

16-205. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association, utility or other entity making any excavation of 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 excavations 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. (Ord. #719-20, June 2020)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, utility or other entity making any excavation or tunnel in or under any street, alley or public place in the town shall restore said street, alley or public place to its original condition as outlined in the subsection of "restoration of streets, etc." In case of unreasonable delay in restoring the street, alley or public place, the public works director shall give notice to the person, firm, corporation, association, utility or other entity that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the town will do the work and charge the expense of doing the same to such person, firm, corporation, association, utility or other entity. If within the time mentioned the conditions of the above notice have not be complied with, the work shall be done by the town, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, utility or other entity, who made the excavation or tunnel.

(1) When applicable, repair work shall be in accordance with the provisions outlined in the Department of Transportation's "Standard Specifications for Road and Bridge Construction." All other repairs shall be made as outlined in the provisions herein or in as good as or better condition than prior to excavation.

(2) One-call provision. In accordance with *Tennessee Code Annotated*, § 65-31-101 to §65-31-120; all work being performed in the public right-of-way shall require a one-call to Tennessee 811 and a locate ticket placed.

(3) Temporary repair. Temporary utility patches shall consist, at a minimum, of two inches (2") of hot or cold-mix asphalt pavement above the backfill material. Steel plates may be used to ensure the safety of vehicle traffic and preserve the integrity of the underground utilities throughout the duration of the repairs being made. Crushed surface material may be used if the final repair cannot be immediately done. The temporary repair shall only be allowed for a period of forty-eight (48) hours and then the Final Repair must be done. Weather conditions shall not be grounds for the extension of the forty-eight (48) hour period. The permittee shall preserve the integrity of the patched surface until a permanent solution can be done to restore the structural integrity of the surface prior to the excavation.

(4) Final repair. Upon completion of the work performed in the roadway infrastructure a final inspection may be required by the public works director. Repairs to concrete structures shall be maintained to three thousand pounds per second (3000 psi) or greater concrete specifications. Repairs to asphalt infrastructure and striping shall be the same or better than the surface prior to the excavation of utilities. Fill materials shall be placed and packed to ensure settling will not damage the final repair to be conducted. The surface mix shall be as good as or better than the roadway asphalt surface that was there previously. When necessary infrared or heating up of asphalt surface may be necessary to ensure bonding will occur. Squared off cuts may be necessary to ensure the cleanest possible repair for damages done to the roadway surface.

When applicable crowning should follow the contours of the current roadway surface and shall ensure that no standing water is present following completion.

(5) Warranty requirements. (a) Pavement cuts on streets shall be warranted and maintained until the road is repaved. The patch shall be repaired as necessary until the warranty has passed. Work performed on previously repaired underground utilities needing reopened shall meet the provisions of this chapter.

(b) Pavement cuts that are performed in-house will be held to the same provisions of this chapter.

(c) All curb, sidewalk, and structural repairs affected by excavation shall be included in the provisions outlined in the warranty requirements. (Ord. #719-20, June 2020)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore proved to be made, each person applying for such a 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 may arise from or out of the performance of the work, whether such performance be 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 insurance shall be prescribed by the town recorder in accordance with the nature of the risk involved; provided however, that the liability insurance for bodily injury in effect shall not be in an amount less than one hundred thousand dollars (\$100,000.00) for each person and three hundred thousand dollars (\$300,000.00) for each accident and for property damages in an amount not less than twenty-five thousand dollars (\$25,000.00), with an aggregate of seventy-five thousand dollars (\$75,000.00). (Ord. #719-20, June 2020)

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 the pavement to be put on by the town if the town restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an excavation of time is granted by the town recorder. (Ord. #719-20, June 2020)

16-209. Supervision. The public works director shall from time to time inspect all excavations and tunnels being made in or under any public street, alley or other public place in the town and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (Ord. #719-20, June 2020)

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 town recorder. 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 pedestrians a/or vehicular traffic. No driveway shall exceed thirty-five feet (35') in width at its outer or street edge when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten feet (10') in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (Ord. #719-20, June 2020)

CHAPTER 3

HOUSE AND BUSINESS NUMBERING

SECTION

- 16-301. Town recorder's responsibility.
- 16-302. Placement of numbers.
- 16-303. Size of numbers.
- 16-304. Approval.

16-301. Town recorder's responsibility. The town recorder shall be responsible for determining the correct number of properties located within the corporate limits of the Town of Erwin. (2005 Code, § 16-301)

16-302. Placement of numbers. All numbers shall be placed conspicuously above, on, or at the side of the proper door of each building, or each unit of the building which has an outside entrance, so that the number can be plainly seen from the street line. Should the distance from the street line to the door inhibit discernment of numbers placed on the building, then the numbers should be placed upon a gate post, fence post or other appropriate place easily seen from the street line. (2005 Code, § 16-302)

16-303. Size of numbers. All numbers placed on buildings shall be at least three inches (3") high. (2005 Code, § 16-303)

16-304. Approval. No final approval of the remodeling or construction of buildings shall be granted by the town building inspection department or the town recorder until conspicuous numbers have been placed thereon. (2005 Code, § 16-304)