

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. STREET COMMITTEE.
2. MISCELLANEOUS.
3. EXCAVATIONS AND CUTS.

CHAPTER 1

STREET COMMITTEE

SECTION

16-101. Street committee.

16-101. Street committee. The street committee shall have and exercise general supervision over matters, personnel, and property concerning streets and other public ways and places, and shall be responsible to the board of mayor and aldermen for submitting proposals, plans, programs, and other appropriate reports involving any of the above items. (1968 Code, § 12-101)

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

CHAPTER 2

MISCELLANEOUS

SECTION

- 16-201. Obstructing streets, alleys, or sidewalks prohibited.
- 16-202. Trees projecting over streets, etc., regulated.
- 16-203. Trees, etc., obstructing view at intersections prohibited.
- 16-204. Projecting signs and awnings, etc., restricted.
- 16-205. Banners and signs across streets and alleys restricted.
- 16-206. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-207. Littering streets, alleys, or sidewalks prohibited.
- 16-208. Obstruction of drainage ditches.
- 16-209. Abutting occupants to keep sidewalks clean, etc.
- 16-210. Parades regulated.
- 16-211. Animals and vehicles on sidewalks.
- 16-212. Fires in streets, etc.
- 16-213. Costs charged to offenders.
- 16-214. Loitering prohibited.
- 16-215. Shopping carts on public streets and sidewalks prohibited.

16-201. 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. (1968 Code, § 12-301)

16-202. 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'). (1968 Code, § 12-302)

16-203. 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, hedge, billboard, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1968 Code, § 12-303)

16-204. 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 (1968 Code, § 12-304)

16-205. 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. (1968 Code, § 12-305)

16-206. 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. (1968 Code, § 12-306)

16-207. 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. (1968 Code, § 12-307)

16-208. 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. (1968 Code, § 12-308)

16-209. 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. (1968 Code, § 12-309)

16-210. Parades regulated. It shall be unlawful for any club, organization, or similar 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 immediately clean up the resulting litter. (1968 Code, § 12-310)

¹Municipal code reference
Building code: title 12, chapter 1.

16-211. 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 to knowingly allow any minor under his control to violate this section. (1968 Code, § 12-312)

16-212. 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. (1968 Code, § 12-313)

16-213. Costs charged to offenders. When any person is convicted of violating any provision of this chapter, he shall immediately take such corrective action as necessary to abate the condition which gave rise to the condition. If such action is not completed by the offender within a reasonable time to be determined by the city recorder, then the condition shall be abated by the city or at its expense, and the offender shall reimburse the city for all reasonable costs incurred. Nothing in this section shall be deemed to relieve the offender of his liability for any fines which may have been or may be judicially assessed. (1968 Code, § 12-314)

16-214. Loitering prohibited. (1) No person shall willfully loaf, loiter, idle, lounge, swing or promenade in or near or in front of any public place of business, worship or other public place or other place or activity inviting patronage or in, on or near any public street, highway, bridge, sidewalk or other public thoroughfare or public place in such a manner as to obstruct or impede the normal or free use by any other person of such public place or in such a manner as to inordinately obstruct or impede or unreasonably prohibit the free exercise of commercial trade or other lawful activity in, on or near any such public place. Anyone convicted of violating this section shall be guilty of a misdemeanor.

(2) The prohibition in subsection (1) above shall not apply to any person:

(a) Sitting or lying on a public sidewalk due to a medical emergency;

(b) Who, due to a disability, is using a wheelchair, walker or similar device to move about on the sidewalk;

(c) Operating or patronizing a legal commercial establishment conducted on the public sidewalk in accordance with a permit issued by the city;

(d) Sitting on a chair or bench on a public sidewalk provided by a public agency or by the abutting property owner; or

(e) Participating in or watching a parade, performance, or other event authorized by the city.

(3) Any violation of this section shall be punished in the same manner as other misdemeanor violations of city ordinances.

Any other provision of any ordinance of the City of Jellico in conflict with this section shall henceforth be deemed to be likewise amended accordingly so as to give meaning, consistency, and effect to this amendment. (Ord. #96-2011, July 2011)

16-215. Shopping carts on public streets and sidewalks prohibited. (1) Purpose. The purpose of this section is to provide for the regulation of street and sidewalk activities in downtown Jellico, and in certain other districts of the City of Jellico, in order to more fully promote the public interest by contributing to an active and attractive pedestrian environment. In recognition thereof, reasonable regulation of street and sidewalk activity is necessary to protect the public health, safety, and welfare and the interests of the City of Jellico in the primary use of public streets and sidewalks for use by vehicular and pedestrian traffic.

(2) Prohibited use. It is unlawful for any person, firm, corporation, or association to engage in the use of, or use, upon the public ways of the City of Jellico any shopping cart as defined in subsection (3) of this section.

(3) Definitions. For the purpose of implementing and interpreting this ordinance, the following definitions shall apply:

(a) Shopping cart means a four wheel buggy, cart or device belonging to a grocery merchant, clothing merchant, or general merchandise merchant, or a store, or business that has a business located within or without the City of Jellico, Tennessee.

(b) Merchant means any type of business.

(c) Abandon shall mean leaving or abandoning any cart upon a public way or upon the property of another person.

(d) Public way. A public ways means and includes all portions of streets, alleys, sidewalks, trails and parking lots of the Town of Jellico and, in addition, shall include privately owned streets, roads, alleys, sidewalks, and trails that are provided for public use or access.

(e) Use shall mean pushing, pulling, towing any shopping cart, or causing to be pushed, pulled or towed, any shopping cart, upon any public way.

(f) Use by another shall mean allowing any other person to use, remove, or take any cart off-premises for any use prohibited herein.

(4) Violation of ordinance. Any person or persons who use any shopping cart as defined in subsection (3) of this section, upon any public way shall be guilty of a violation of this section.

(5) Exceptions and permitted use. Any person may use a shopping cart to transport goods purchased at a business location to transport those purchased goods to an automobile or other location directly in front of or beside the

business where the good are purchased, provided that the cart is immediately returned to the merchant where it was obtained.

(6) Penalty. The penalty for improper use of a shopping cart in violation of this section shall be a fine of up to fifty dollars (\$50.00), in the discretion of the court, in addition to any court costs imposed by the city court. The penalty for abandoning any shopping cart shall be a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00) in the discretion of the court, in addition to any court cost imposed by the city court.

(7) Collection of abandoned carts. Abandoned carts will be collected by the City of Jellico and impounded. An impound fee of ten dollars (\$10.00) per cart shall be charged for the first offense. Any second or subsequent offense will result in an impound fee of twenty-five dollars (\$25.00) per cart. (Ord. #07-30-2020, Feb. 2021)

CHAPTER 3

EXCAVATIONS AND CUTS¹

SECTION

- 16-301. Permit required.
- 16-302. Applications.
- 16-303. Fee.
- 16-304. Bond or letter of credit.
- 16-305. Manner of excavating, barricades, lights, temporary sidewalks.
- 16-306. Restoration of streets, etc.
- 16-307. Insurance.
- 16-308. Time limits.
- 16-309. Supervision.
- 16-310. Other damage to city streets.
- 16-311. Compliance with other laws.

16-301. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, to make any cut or excavation, (including driveway connections), in any street, alley, or public place, or to tunnel under any street, alley, or public place without first obtaining a written 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 practically be obtained beforehand. The person shall thereafter apply for a written permit on the first regular business day on which the office of the city recorder is open for business and said written permit shall be retroactive to the date when the work was begun. (Ord. #14-2002, Dec. 2002)

16-302. Applications. Applications for such written permits shall be made to the office of the city recorder or such person as may designated by the board of mayor and aldermen, 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

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).

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. The application and permit shall be considered an "agreement" between the city and the person, firm, corporation, association, or other. (Ord. #14-2002, Dec. 2002)

16-303. Fee. The fee for such permits shall be ten dollars (\$10.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five feet (25') in length; and fifty cents (\$0.50) 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. #14-2002, Dec. 2002)

16-304. Bond or letter of credit. The City of Jellico may require that no permit be issued unless and until the applicant has deposited with the city recorder a bond, running bond, or letter of credit in favor of the city, in an amount to be determined by the streets committee, that is adequate to cover the cost of restoration. No excavation project may be deemed completed until inspected and approved by the streets committee or their designee. Should the street repair not pass inspection, the City of Jellico shall notify the person, firm, corporation, association, or others that they have ten (10) days to make the necessary repairs. In the event that the repairs are not approved, within the ten (10) day time limit, the city will have the repairs made, with the expense of the repairs charged against the bond or letter of credit. Failure of the City of Jellico to require a bond or letter of credit shall in no way affect the right of the city to require repairs or to make repairs and charge the cost of same to the person, firm or corporation making the excavation. (Ord. #14-2002, Dec. 2002)

16-305. Manner of excavating, barricades, 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. 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. #14-2002, Dec. 2002)

16-306. 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 unreasonable delay in restoring the street, alley, or public place, the City of Jellico shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled

properly within twenty-four (24) hours, the city will do the work and charge the expense of doing the same to the person, firm, corporation, association, or others. Failure to pay the cost of the repair within ten (10) days will result in the city charging the cost against the bond or letter of credit. 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 person, firm, corporation, association, or others who made the excavation or tunnel. Failure to pay the cost of the repair within ten days (10) days will result in the city charging the cost against the bond or letter of credit. (Ord. #14-2002, Dec. 2002)

16-307. Insurance. In addition to making the 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 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 the insurance shall be prescribed by the recorder 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 each person, and not less than seven hundred thousand dollars (\$700,000.00) for each accident, and for property damages not less than one hundred thousand dollars (\$100,000.00) for each accident.

16-308. 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. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted in writing by the streets committee. (Ord. #14-2002, Dec. 2002)

16-309. Supervision. The streets committee, or such other persons as they may designate, shall inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the city 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. #14-2002, Dec. 2002)

16-310. Other damage to city streets. It shall be unlawful for any person, firm, corporation, association, or others to damage city streets. Any person, firm, corporation, association, or others determined to have damaged city streets, including sidewalks and curbs, shall be given twenty-four (24) hours

notice of the damage and a reasonable opportunity to restore the street to its original condition. Failure to make the necessary repair will result in the city making the repair and billing the offender for payment of the damage. The streets committee is authorized to make repairs without notice where, in their judgment, the damage constitutes an emergency situation and is a safety hazard for the motoring public. (Ord. #14-2002, Dec. 2002)

16-311. Compliance with other laws. It shall be the responsibility of any person, firm or corporation making any excavation or tunnel, (including driveway connections), to obtain any other permits or permission from any other governmental agency or private property owner prior to proceeding with said excavation. Obtaining a city permit shall not relieve the excavator from this responsibility. (Ord. #14-2002, Dec. 2002)