

TITLE 16

STREETS AND SIDEWALKS, ETC.¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS.
3. SUBDIVISION REGULATIONS.
4. NUMBERING SYSTEM.

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. Fires in streets, etc.
- 16-113. Use of trucks prohibited upon certain streets.

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. (1996 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 or alley at a height of less than fourteen feet (14') or over any sidewalk at a height of less than eight feet (8'). (1996 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 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. (1996 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 board of commissioners. (1996 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 commissioners after a finding that no hazard will be created by such banner or sign. (1996 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. (1996 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. (1996 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. (1996 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 clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1996 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 immediately clean up the resulting litter. (1996 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 to knowingly allow any minor under his control to violate this section. (1996 Code, § 16-111)

16-112. 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. (1996 Code, § 16-112)

16-113. Use of trucks prohibited upon certain streets. (1) It shall be unlawful to drive any truck exceeding twelve thousand (12,000) pounds gross vehicle weight, except for the purpose of making a delivery of goods, merchandise or other wares, on any street so designated prohibiting the same and properly sign posted. This section shall not apply to all roadways which abut, front or have access within a C-1, C-2, C-3, I-1 and I-2 Zoning District(s), together with State Route 249, Interstate 40 and West Kingston Springs Road.

(2) All other streets, not set forth in subsection (1) above, shall be deemed as limited load streets. It shall be unlawful to operate any vehicle on any street so posted, including, but not limited to, vehicles with gross weight on the surface of any street through any axle exceeding twelve thousand (12,000) pounds, gross volume weight, or on any street where the weight of vehicle permitted is limited by properly posted signs or for allowed deliveries in subsection (1), in which case such vehicle may be driven on such street not more than the minimum distance necessary for such purpose. (1996 Code, § 16-113)

CHAPTER 2

EXCAVATIONS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Deleted.
- 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.
- 16-211. Driveway connections to street.
- 16-212. Violations and penalty.

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 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 recorder is open for business, and said permit shall be retroactive to the date when the work was begun. (1996 Code, § 16-201)

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

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 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 rejected or approved by the recorder within twenty-four (24) hours of its filing. (1996 Code, § 16-202)

16-203. Deleted. (1996 Code, § 16-203, as deleted by Ord. #22-002, March 2022 *Ch1_03-17-22*)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of five hundred dollars (\$500.00) if no pavement is involved or, if the excavation is in a paved area, then the deposit shall be the greater of five hundred dollars (\$500.00) or ten dollars (\$10.00) per square foot of estimated disturbed pavement, and the deposit 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 recorder, upon consultation with the city manager, may increase the amount of the deposit to an amount considered by him or her to be adequate to cover the 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. Upon review of finished work and approval by town staff, 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 to its previous condition. In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the town if the applicant fails to make proper restoration. Further, a surety bond so deposited by a public utility may, with the written authorization of the recorder, provide for surety to the town on a continuing basis for any and all future restorations undertaken by such public utility. (1996 Code, § 16-204, as replaced by Ord. #22-002, March 2022 *Ch1_03-17-22*)

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. 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. (1996 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 this town shall restore said street, alley, or public place

to its original condition except for the surfacing, which shall be done by the town but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. Notwithstanding the foregoing, a public utility, upon written authorization from the city manager, which authority is vested in the city manager, may also perform the necessary surfacing to fully restore the street, alley, or public place to its original condition. Such work performed by a public utility shall be subject to all other requirements and conditions herein.

In case of unreasonable delay in restoring the street, alley, or public place, the recorder 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 town will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been 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, or others who made the excavation or tunnel. Restoration shall also include the restoring work will be of such workmanship so as to guarantee the restoration for a period of one (1) year from and after the date of completion, and applicant at his expense will cause additional work to be performed if said repairs are not satisfactory or reimburse the town for maintenance it may perform for unsatisfactory restoration after receiving written notice from the town manager or building inspector. (1996 Code, § 16-206, as replaced by Ord. #22-002, March 2022 *Ch1_03-17-22*)

16-207. 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 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 any one (1) accident, and a seventy-five thousand dollar (\$75,000.00) aggregate. (1996 Code, § 12-207, modified)

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 extension of time is granted by the recorder. In no event shall completed restoration extend beyond a period of forty-five (45) days from the date of permit issuance. (1996 Code, § 16-208)

16-209. Supervision. The town 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. (1996 Code, § 16-209, modified)

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.¹ 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. Driveway aprons shall not extend into the street. (1996 Code, § 16-210)

16-211. Driveway connections to street. All driveways connecting with town streets that require a culvert shall be constructed with a minimum eighteen-inch (18") drainage pipe under the driveway at its connection with the street. (1996 Code, § 16-211)

16-212. Violations and penalty. Any violation of this chapter shall constitute a civil offense and shall be punishable by a civil penalty under the general penalty provision of this code, by revocation of permit, or by both penalty and revocation. Each day a violation shall be allowed to continue shall constitute a separate offense.

¹Municipal code reference
Zoning ordinance: title 14, chapter 2.

CHAPTER 3

SUBDIVISION REGULATIONS

SECTION

- 16-301. Prohibiting right-of-way encroachment; regulation of parking.
- 16-302. Drainage of street rights-of-way.
- 16-303. Signs.
- 16-304. Sight distance.
- 16-305. Arrangement and alignment of driveway connections; required permit procedures.

16-301. Prohibiting right-of-way encroachment; regulation of parking. No part of the street right-of-way should be used for servicing vehicles, displays or for conducting private business. All rights-of-way shall be kept clear of buildings, fences, business signs, parking areas, service equipment and appurtenances thereto. Parking may be permitted on the roadway only where specifically permitted, as posted, by the town.

Each roadside business establishment shall provide parking and storage space off of the right-of-way so as not to impede the use of a business driveway or hinder traffic upon a thoroughfare.

For business establishments at a corner street intersection, parking shall be restricted on each street between the intersection and nearest driveway.

Violators of this section shall be subject to a fine of not less than ten dollars (\$10.00), nor more than fifty dollars (\$50.00) in the municipal court of the town. (1996 Code, § 16-301)

16-302. Drainage of street rights-of-way. All driveways shall be constructed in a manner which will not impair drainage within the street right-of-way, nor alter the stability of the roadway subgrade. Further, driveways constructed shall not impair or materially alter the drainage of adjacent areas. All culverts, catch basins, drainage channels and other drainage structures required within the right-of-way and under driveways as a result of any property being developed within the town shall be installed in accordance with the standard cited within the subdivision regulations of the Town of Kingston Springs, which are hereby incorporated by reference and in accordance with the town's zoning ordinance. (1996 Code, § 16-302)

16-303. Signs. No advertising structures, advertising signs or advertisements shall be located within the street right-of-way limits and shall in all cases comply within the regulations cited in section 4.080 of the town's zoning ordinance. Violators of this section shall be subject to a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) in the municipal court of the town. (1996 Code, § 16-303)

16-304. Sight distance. Any driveway installed along a town street shall be located so as to afford maximum sight distance and shall not constitute a safety hazard. Where a driveway is provided to a commercial establishment, the right-of-way and adjacent border area shall be reasonably clear so that either the establishment or an appropriate sign located outside of the right-of-way can be seen at a sufficient distance to enable property maneuvers on the part of drivers desiring to enter the establishment. The profile of a driveway and the grating of the right-of-way shall be such that a driver of a vehicle that is standing on the driveway may see a sufficient distance in both directions to enable him to enter the highway without creating a traffic hazard.

All improvements on property adjacent to street right-of-way shall have a sufficient setback so that parking, stopping and maneuvering on the right-of-way will be avoided by those patrons in vehicles entering business establishments.

Driveways for vehicles entering or leaving a residential development or establishment shall not interfere with the free movement of traffic or create a hazard upon a public street. Where feasible, driveways shall be located where there are not sharp curves, steep grades and where sight distances are adequate for safe traffic operation. Driveways shall not be located within intersections, rotaries and interchanges, or on streets immediately approaching such. Driveways shall also be located in such a manner that there will be no interference with the placement of signs, signals or other devices affecting traffic operation. (1996 Code, § 16-304)

16-305. Arrangement and alignment of driveway connections; required permit procedures. The arrangement and alignment of driveways must be in such a manner that will complement the highway alignment, street profile and sight distance conditions. From the point where any driveway abuts the pavement of any street or highway, the slope of that driveway shall under no circumstance exceed a ten percent (10%) grade for the first twenty feet (20') of said driveway's point of abutment with the pavement of the street or highway in question. The permissible number, arrangement and width of driveways shall be governed in part by the street frontage of abutting private property, and shall comply with the minimum access control requirements cited in section 3.090 of the Kingston Springs Zoning Ordinance. The number of driveways provided shall be the minimum number required to serve the needs of the adjacent property. Frontages of one hundred feet (100') or less shall be limited to one driveway. No more than two (2) driveways will be provided to any single property tract or business establishment.

Driveways shall be positioned to clear the frontage boundary lines by the specified minimum dimension. Where two (2) driveways are provided for one (1) frontage, the clear distance between driveways measured along the right-of-way lines shall not be less than twenty-five feet (25').

At an intersection of two (2) streets, a driveway connecting each street with a corner property will be permitted, where essential, to conduct business on a corner tract, provided such driveways comply with the minimum access control requirements cited in section 3.090 of the Kingston Springs Zoning Ordinance. An area where traffic in relation to capacity is high, the corner clearance on the approach side to the intersection should be greater than on the far side of the intersection.

Whenever possible, all driveways shall be positioned at right angles to the public roadway.

All driveway connections to a town street require a permit to be issued by the municipality. The applicant must furnish to the town a detailed written application setting forth the request to be entitled to construct a driveway, including, a dimensional sketch illustrating the location of the applicant's property, a plot plan or simple layout relating to the proposed access design and the proposed usage of the property to be served by reason of the driveway to be installed. The town will inspect the proposed site prior to final issuance of the permit. Driveways with a slope greater than ten percent (10%) grade for the first twenty feet (20') of said driveway abutting the pavement of the street or highway will be designated as a critical lot. Upon any critical lot, detailed construction plans will be required prior to issuance. The critical lot plan, once reviewed, will be issued if in compliance with this chapter or those other ordinances of the municipality. Should the permit be denied, the permit denial may be appealed by the applicant to the board of construction appeals for review, prior to commencement of construction. (1996 Code, § 16-305)

CHAPTER 4

NUMBERING SYSTEM

SECTION

- 16-401. Designation of street numbers on officially named streets.
- 16-402. Posting of designated street address.
- 16-403. New structures.
- 16-404. Violations and penalty.

16-401. Designation of street numbers on officially named streets.

(1) The property numbering map entitled "Property Numbering Map, of Kingston Springs, Tennessee," is hereby adopted as the official property-numbering map of the Town of Kingston Springs, Tennessee, and all property numbers assigned shall be assigned in accordance with this numbering map, and no other property numbers shall be used or displayed in the town, except numbers assigned in accordance with the official numbering map. The property-numbering map shall be kept on file in the office of the building inspector.

(2) The town manager shall keep a record of all numbers assigned under this chapter. (1996 Code, § 16-401)

16-402. Posting of designated street address. (1) The owner or occupant or person in charge of any house or building to which a number has been assigned will be notified in writing by the town manager, or other designated town official of the number assigned to the same.

(2) Within sixty (60) days after receipt of such written notification from the town manager, or other designated town official, the owner or occupant or person in charge of a house or building to which a number has been assigned shall affix the number in a conspicuous manner in a conspicuous place.

(3) It shall be the duty of such owner or occupant or person in charge thereof upon affixing the new number to remove any different number which might be mistaken for, or confused with, the number assigned to said structure by the town. The owner or occupant shall not only remove any old or different number from a structure, but also shall remove old or different/confusing numbers upon or affixed to U.S. mail boxes.

(4) Each principal building shall display the number assigned to the frontage on which the entrance is located. In case a principal building is occupied by more than one (1) business or family dwelling unit, each separate front entrance may display a separate number.

(5) Numerals indicating the official numbers for each principal building or each front entrance to such building shall be posted in a manner as to be legible and distinguishable from the street on which the property is located. (1996 Code, § 16-402)

16-403. New structures. (1) All residence and business buildings erected after the adoption of this chapter shall be assigned a number in accordance with the property-numbering map and shall purchase and display such number as provided in § 16-402 of this chapter.

(2) No building permit shall be issued for any principal building until the owner or developer has procured from the building inspector, or the designated town official of the Town of Kingston Springs the official number of the premises. Final approval for a certificate of occupancy of any principal building erected or repaired shall be withheld until permanent and proper numbers have been displayed in accordance with the requirements of § 16-402. (1996 Code, § 16-403)

16-404. Violations and penalty. In the event that the owner or occupant or person in charge of any house or building refuses to comply with the terms of this chapter by failing to affix the number assigned within sixty (60) days after notification, or by failing within said period of sixty (60) days to remove any old numbers affixed to such house, or house entrance, or elsewhere, which may be confused with the number assigned thereto, he shall be guilty of a misdemeanor and fined not less than twenty-five dollars (\$25.00). (1996 Code, § 16-404)