

## TITLE 16

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

#### CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. PROPERTY 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 regulated.
- 16-111. Operation of trains at crossings regulated.
- 16-112. Animals and vehicles on sidewalks.
- 16-113. Fires in streets, etc.
- 16-114. Minimum standards of a public street.
- 16-115. Violations and penalty.

**16-101. Obstructing streets, alleys, or sidewalks prohibited.** No person shall construct, place, affix or occupy any portion of the city's street right-of-way including the sidewalk and those portions that are unpaved, but which consist of parkways or underground utility easements, with any appurtenance, fixture, structure or object, except as otherwise provided herein.

Notwithstanding, encroachments shall be allowed pursuant to permit if the director of public works issues an encroachment permit and determines that the public safety will not be jeopardized thereby, and if the applicant provides sufficient insurance or other assurances in case of liability arising from the

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

encroachment. Said permit shall be issued in accordance with §§ 16-201, *et seq.*, of the LaFollette Municipal Code.

Any person, firm or corporation constructing, placing, affixing or occupying any portion of the city's street right-of-way in violation of this chapter shall be guilty of a misdemeanor and shall be punishable by a fine not to exceed fifty dollars (\$50.00). Each day that such a violation exists shall be considered a separate violation."

LaFollette Utilities Board, a political subdivisions of the City of LaFollette, is specifically exempted from this code section. (2000 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 or sidewalk at a height of less than fourteen feet (14'). (2000 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, 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. (2000 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> (2000 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. (2000 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. (2000 Code, § 16-106)

**16-107. Littering streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person to litter, place, throw, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, or other objects or materials which

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<sup>1</sup>Municipal code reference

Building code: title 12, chapter 1.

are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (2000 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.

No person shall construct a driveway across any such drainage ditch unless he makes application to and reimburses the city for installation by the city of a fifteen inch (15") drainage tile and makes the driveway at least twenty feet (20') wide. (2000 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. (2000 Code, § 16-109)

**16-110. 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. (2000 Code, § 16-110)

**16-111. Operation of trains at crossings regulated.** No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law. It shall be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (2000 Code, § 16-111)

**16-112. 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. (2000 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. (2000 Code, § 16-113)

**16-114. Minimum standards of a public street.** (1) The proposed street shall have a right-of-way width of at least fifty feet (50') unless the requirement would cause undue hardship; however, in no case shall a right-of-way be less than forty feet (40') in width.

(2) All proposed streets shall have an improved base to a width of twenty-eight feet (28'). The base (crusher run), shall be compacted to a six-inch (6") depth and shall be installed according to the methods specified in Section 33, *Standard Specifications for Road and Bridge Construction*, Tennessee Department of Highways and Public Works, as revised. A prime coat shall be applied so as to leave two feet (2') of base remaining on each side of the improvement as a shoulder. The prime coat cover shall be applied as specified in section 49, *Standard Specifications for Road and Bridge Construction*, Tennessee Department of Highways and Public Works - July 1, 1951 and latest revisions thereto, or as specified, in Appendix II, of the *LaFollette Subdivision Regulations*, 1972. Following completion of the prime coat, a hot bituminous coat as shown in Section 55, *Standard Specifications for Road and Bridge Construction*, Tennessee Department of Highways and Public Works as revised, or Appendix II of the *LaFollette Subdivision Regulations*, 1972, shall be applied to complete the proposed street.

(3) Prior to final acceptance of a proposed street as the public street, the LaFollette Regional Planning Commission shall study a plat of the proposed street and make its findings known to the city council.

(4) Any person, firm, or corporation violating the provisions of this section, upon conviction, shall be guilty of a misdemeanor and shall be subject to a fine of not less than two dollars (\$2.00) or more than fifty dollars (\$50.00). Each day of violation shall constitute a separate offense. (2000 Code, § 16-114)

**16-115. 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.
- 16-206. Driveway cuts.
- 16-207. Restored street and curb.
- 16-208. Perpetual care.
- 16-209. Insurance.
- 16-210. Time limits.
- 16-211. Supervision.
- 16-212. Violations and penalty.

**16-201. Permit required.** It shall be unlawful for any person, firm, corporation, public or private utility, association, or others, except the LaFollette City Street Department, to make any cut or excavation in any street, curb, alley, or public right-of-way in the city without complying with the provisions of this chapter; and it shall be unlawful to violate or to vary from the terms of any such permit; provided, however, any person maintaining pipes, lines, driveways, or other facilities in or under the surface of any public right-of-way 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 and said permit shall be retroactive to the date when the work was begun. (2000 Code, § 16-201)

**16-202. Applications.** Applications for such permits shall be made to the director of public works and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, public or private utility, association, or others doing the actual excavation, and the name of the person, firm, corporation, public or private utility, association or others for whom the work is being done, and shall contain

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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).

an agreement that the application will comply with all ordinances and laws relating to the work to be done. Such applications shall be rejected or approved by the director of public works within twenty-four (24) hours of its filing. However, the requirements of this section, shall not be construed to apply to the emergency requirement set forth in § 16-201. (2000 Code, § 16-202)

**16-203. Fee.** The fee shall be set by resolution of mayor and city council. (2000 Code, § 16-203)

**16-204. Deposit or bond.** It shall be the responsibility of the permittee to place with the City of LaFollette a cash deposit either by the job or activity or on an annual basis. The amount of the deposit shall be determined by the city administrator or his designee based upon the size and nature of the permitted work within the right-of-way. The city may use the deposit to cover its cost should a failure of restoration work occur to the public right-of-way facility. Said requirements of this section may be waived by the city administrator. (2000 Code, § 16-204)

**16-205. Manner of excavating--barricades and lights.** Any person, firm, corporation, public or private utility, association, or others making any excavation or tunnel shall do so according to the specifications and standards issued by the City of LaFollette's Public Works Department. Sufficient and proper barricades and lights shall be maintained to protect person 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. It shall be the responsibility of the permittee to adhere to the *Manual on Uniform Traffic Control Devices*. (2000 Code, § 16-205)

**16-206. Driveway cuts.** No one shall cut, build, or maintain a driveway across a public right-of-way without first obtaining a permit from the director of public works and receiving the necessary lines and grades from the public works department. 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 and/or vehicular traffic. (2000 Code, § 16-206)

**16-207. Restored street and curb.** Any person, firm, corporation, public or private utility, association, street, curb, alley, or public right-of-way in the city shall backfill said street, curb, alley, or public right-of-way according to city specifications and standards promptly upon the completion of the work for which the excavation or tunnel was made. However, the city may allow the utility to place the final surfacing subject to City of LaFollette specifications. Final surfacing will be done by the city or a contractor hired by the city at the expense of the entity for which the excavation or tunnel was made, if requested.

In case of unreasonable delay in restoring the street, curb, alley, or public right-of-way, the director of public works shall give notice to the person, firm, corporation, public or private utility, 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 such person, firm, corporation, public or private utility, association, or others. If within the time mentioned the conditions of the above notice have not been complied with, the work shall be done by the city, or a contractor hired by the city, an accurate amount of the expense involved shall be kept, and the total cost including overhead cost shall be charged to the person, firm, corporation, public or private utility, association, or others, who made the excavation or tunnel. (2000 Code, § 16-207)

**16-208. Perpetual care.** Any person, firm, corporation, public or private utility, association, or others effecting a public way within the city, shall be responsible for any defects which occur to the public facility within the public way due to workmanship or materials. The cost of repairs shall be the responsibility of the utility owners of the facility which was placed within the City of LaFollette public way. The city's public works department will be responsible for making the repairs or having the work contracted. Repairs shall be made in accordance with specifications furnished by the City of LaFollette. (2000 Code, § 16-208)

**16-209. Insurance.** Each person applying for such a permit shall file a certificate of insurance or other suitable instrument indicating that he is insured against claims for damage 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 city administrator 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 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 an amount not less than one hundred thousand dollars (\$100,000.00), with an aggregate of one hundred thousand dollars (\$100,000.00) for all accidents. (2000 Code, § 16-209, modified)

**16-210. 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 city or contractor. It shall

be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the director of public works. (2000 Code, § 16-210)

**16-211. Supervision.** The director of public works, or his designee, shall from time to time inspect all excavations and tunnels being made in or under any public street, curb, alley, or other public right-of-way in the city and see to the enforcement of the provisions of this chapter. Notice shall be given to him before the work of refilling any such excavation or tunnel commences and said work may not commence until the inspector arrives at the site or gives verbal permission to proceed. (2000 Code, § 16-211)

**16-212. Violations and penalty.** Any person, firm, corporation, public or private utility, association, or others violating any of the provisions of this chapter shall, upon conviction, be fined not less than ten dollars (\$10.00) and not more than fifty dollars (\$50.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (2000 Code, § 16-212)



## CHAPTER 3

### PROPERTY NUMBERING SYSTEM

#### SECTION

- 16-301. Official property numbering map.
- 16-302. Official property numbering system.
- 16-303. Assignment of property numbers.
- 16-304. Special numbering situations.
- 16-305. Application and placement of identifying numbers.
- 16-306. Exceptions.
- 16-307. Compliance.
- 16-308. Amendments.
- 16-309. Violations and penalty.

**16-301. Official property numbering map.** The map entitled, "Property Numbering Map, City of LaFollette, Tennessee" shall be the official property numbering map of the city and shall only be amended in accordance with the provisions of this chapter. (2000 Code, § 16-301, modified)

**16-302. Official property numbering system.** The system by which the official property numbering map was developed and by which newly constructed or annexed roads are to be numbered is as follows.

- (1) Base lines. (a) The east-west base line shall be Tennessee Avenue.
  - (b) The north-south base line shall be Central Avenue.
  - (c) The point of intersection of the two shall be the axis point from which all grids shall be drawn and numbered.
- (2) Grid lines. (a) Due to topography, curvilinear roads, and "diagonal" orientation of the base lines, the grid lines will not be uniformly located nor oriented in a true north-south or east-west direction.
  - (b) Each grid line shall be numbered in progression of 100's "outward" from the axis point.
  - (c) Streets which cross the base lines shall bear the additional designation of north or south and east or west.
- (3) Property number intervals. All streets shall have a property number assigned for each fifty feet (50') of street frontage. (2000 Code, § 16-302)

**16-303. Assignment of property numbers.** Numbers shall be assigned to each frontage interval in the following manner.

- (1) When beginning at the point of the numerically smallest block range on a street and traveling from that point in the direction of the end of the street.

(2) Assignment of street numbers. (a) Property numbers for all properties or parcels of land, dwelling units, or places of business, shall be assigned by the E-911 Center in cooperation with the codes officer and the provisions outlined herein.

(b) The owner, occupant, person or corporation occupying or responsible for any property, dwelling, or building to which a number has been assigned will be notified in writing by the E-911 Center of the assigned number.

(c) A whole number shall be assigned for every interval of ground, whether lot or parcel is improved or vacant. All properties shall be assigned a property number in accordance with the interval schedule as follows; and designated on the "property numbering system" map:

(i) Within Zone 1, a separate number shall be assigned for each twelve and one-half feet (12-1/2') of frontage;

(ii) Within Zone 2, a separate number shall be assigned for each twenty-five feet (25') of frontage;

(iii) Within Zone 3, a separate number shall be assigned for each fifty feet (50') of frontage.

(d) Odd numbers shall be assigned to the left hand side of the street for any and all streets as they proceed outward from either base line, and even numbers shall be assigned to the right hand side of the street.

(e) All existing numbers of property and buildings not in conformity with provisions of this chapter shall be changed to conform to the system herein adopted within one (1) year from the date of passage of this chapter. (2000 Code, § 16-303)

**16-304. Special numbering situations.** (1) Apartment complexes. Multi-family housing containing two (2) or more dwelling units in one (1) or more buildings shall be assigned the number of the interval closer to the primary entrance on "center" of the building or complex, whichever seems the more logical choice. Units and buildings within such structures and complexes shall have an additional unit or building number or similar additional identification. The frontage interval number along with this additional identification shall form the address for individual units with such buildings or complexes.

(2) Mobile home parks. Mobile home parks (park under one ownership, lots rented) shall be numbered in the same manner as all streets within property assigned under zone two (2).

(3) Commercial structures, shopping centers. Structures in commercial areas shall be numbered by the interval system. However, structures containing more than one (1) business, shall be assigned the number of the interval closer or closest to the primary entrance or "center" of the structure, which ever seems the more logical choice. Businesses located within

a structure, such as a shopping center, shall bear the chosen interval number and a suite number or similar additional identification. The frontage interval number along with this additional identification shall form the address for individual businesses within such structures or centers.

(4) Duplexes, structures located behind other structures. Other special situations, such as duplexes, buildings in the rear of a lot, etc., shall be assigned a separate property number, where possible. When this is not possible, the same number with different letters may be used.

(5) Structures and private streets. Structures located along a private street or drive shall receive individual property numbers. The street shall be assigned "Way" as a suffix. (2000 Code, § 16-304)

**16-305. Application and placement of identifying numbers.** (1) All structures within the city which are used as places of residence, for activities of commerce, or education, religious, and similar activities shall be identified by a unique address determined in accordance with §§ 16-303 and 16-304 of this chapter.

(2) The assigned property number shall be placed upon the portion of the structure and/or within any yard area which is adjacent to or in close proximity to the primary entrance of such structure; and shall be of a size and a type that is listed. Number should be at least three inches (3") in height for residences and six inches (6") for businesses. Numbers will be used with contrasting color and display them on the front of the structure so they are clearly visible from the road (reflective preferred). If a building is more than fifty feet (50') from any road or is not visible from the road, an address number should be displayed at the entrance to the drive, on a four by four (4x4) post as a minimum height of three and one-half feet (3-1/2'). Numbers should be four inches (4") tall. (2000 Code, § 16-305)

**16-306. Exceptions.** All provisions of the numbering system shall apply to properties along the following streets with the exception of the manner of determining the point from which numbers are assigned: new buildings and administration.

(1) The E-911 Center shall assign the number to addressable structures which may be hereafter platted, and shall indicate the same upon an approved final subdivision plat.

(2) No building permit shall be issued for any principal building until the owner or developer has procured from the E-911 Center the official number of the premises. Final approval of a certificate of occupancy of any principal building erected or repaired after the adoption of the ordinance comprising this chapter shall be withheld until permanent and proper numbers have been displayed in accordance with this chapter. (2000 Code, § 16-306)

**16-307. Compliance.** Within thirty (30) days of receiving or notification regarding the assignment of a property number, the owner, occupant, or person in charge of any structure, or part thereof, shall post the assigned property number in the manner set fourth in § 16-305 of this chapter. Any number or other designations in conflict with the assigned address shall be removed. (2000 Code, § 16-307)

**16-308. Amendments.** Amendments to this chapter and/or the official property numbering map shall be recommended by the City of LaFollette E-911 Board to the mayor and council, and shall not become effective until such proposed amendment be adopted by city council. (2000 Code, § 16-309)

**16-309. Violations and penalty.** Violations of the provisions of this chapter shall be deemed a misdemeanor and may be punished by a fine up to fifty dollars (\$50.00). Each day such a violation is continued shall constitute a separate offense and may be fined as such.

In the event that an owner, occupant person, or corporation responsible or any parcel or unit or building refuses to comply with the terms herein stated by failing to affix the number assigned within one (1) year after adoption of this chapter or thirty (30) days after notification of assigned number, shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine as set forth above. Each day the unit or property is in violation of this chapter shall constitute a separate offense. (2000 Code, § 16-308)