

TITLE 16

STREETS AND SIDEWALKS, ETC.¹

CHAPTER

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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. Operation of trains at crossings regulated.
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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, materials, or services. (1976 Code, § 12-101)

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 over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1976 Code, § 12-102)

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

¹Municipal code reference

See title 9 in this code for related motor vehicle and traffic regulations.

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. (1976 Code, § 12-103)

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 (1976 Code, § 12-104)

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 or above any public street or alley unless the lowest part of the sign or banner is at least fifteen feet above the street. (1976 Code, § 12-105)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law. (1976 Code, § 12-106)

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, grass clippings, 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. (1976 Code, § 12-107, as amended by Ord. #2010-02, Feb. 2010)

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.

On streets, roads, and alleys where there are no curbs and gutters, but storm drainage is by means of ditches, the following policy is hereby adopted with respect to private driveways whenever the city determines that such drainage ditches shall be cleaned out, deepened or otherwise improved. Where a ditch is of such depth as to make necessary the installation of a pipe or tile at a private driveway for storm drainage, the superintendent of streets shall determine the size and specification of pipe or tile sufficient to carry storm water and insure easy cleaning. The abutting property owner, after being given notice by the superintendent of streets, shall purchase the specified tile or pipe and the city shall install such pipe or tile and establish the grade of the driveway to the property line of the abutting owner.

¹Municipal code reference

Building code: title 12, chapter 1.

Any property owner before constructing a driveway shall first obtain a permit from the superintendent of streets for such construction, and such construction shall be in accordance with specifications of the superintendent of streets to insure there shall be adequate drainage of storm water and easy cleaning and that the traveled way shall not be obstructed.

In those cases where the tiles or drains are insufficient to carry the flow of drainage water through them, the property owner shall install new and sufficient tiles or drains, under direction of the superintendent of streets, so as to remedy this situation. Upon notice to any property owner by the superintendent of streets that the drain or tile under his private driveway is insufficient to carry the drainage water and afford easy cleaning of said drain or tile, the property owner shall within thirty days after such notice correct the drain or tile so as to comply with the specifications of the superintendent of streets. (1976 Code, § 12-108)

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 or ice from the abutting sidewalk. (1976 Code, § 12-109)

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. (1976 Code, § 12-110)

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 also 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. (1976 Code, § 12-111)

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 a 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. (1976 Code, § 12-112)

16-113. Acceptance of streets. No street, road or way shall henceforth be accepted as a public street by the City of Loudon, Tennessee, unless its location and the width of its right of way has been approved by the Loudon Planning Commission and unless its condition meets the standards established by the planning commission for all new streets within the corporate limits.

No department or board of the city shall lay or permit to be laid or connected any water, sewer, gas, or electric line in any street, road or way not accepted as a public street by the city.

No building permit for the construction of any structure shall be issued by the city for any lot not abutting a street accepted as a public street by the city.

No department or board of the city shall lay or permit to be laid or connected to the public utilities of Loudon any water, sewer, gas or electric line in any street, road or way henceforth opened outside the corporate limits of the City of Loudon which has not been designated as an approved street by the Loudon Planning Commission. In determining the designation of an approved street, the standards established by the Loudon Planning Commission for streets outside the corporate limits shall apply. (1976 Code, § 12-113)

CHAPTER 2

EXCAVATIONS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Certified check or bond.
- 16-205. Safety restrictions on excavations.
- 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, including utility districts 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 city recorder is open for business, and the permit shall be retroactive to the date when the work was begun. (1976 Code, § 12-201)

16-202. Applications. Applications for such permits shall be made to the superintendent of streets, 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 contain an agreement that the applicant will comply with all ordinances and

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).

laws relating to the work to be done. The application shall be rejected or approved by the superintendent within twenty-four (24) hours of its filing. (1976 Code, § 12-202)

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 (25) feet in length; and twenty-five cents (\$0.25) 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. (1976 Code, § 12-203)

16-204. Certified check or bond. No such permit shall be issued unless and until the applicant, therefore, has deposited with the superintendent of streets or such person as he may designate, a certified check, bond, or other acceptable means of security in the amount sufficient to cover the cost of the proper restoration of the ground and laying of the pavement, if any.

The amount of the certified check, bond, or other acceptable means of security shall be determined by the superintendent of streets. From this sum shall be deducted the expense to the municipality of relaying the surface of the ground or pavement and of making the refill if this is done by the municipality or at its expense. Any balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is properly restored.

In lieu of a deposit the applicant may deposit with the city recorder a surety bond in such form and amount as the city recorder shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1976 Code, § 12-204)

16-205. Safety restrictions on excavations. 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. (1976 Code, § 12-205)

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 city shall restore the street, alley, or public place to its original condition except for the surfacing, which shall be done by the city but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the

superintendent of streets 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 city 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 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. (1976 Code, § 12-206)

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 city recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$100,000 for each person and \$300,000 for each accident, and for property damages not less than \$25,000 for any one (1) accident, and a \$75,000 aggregate. (1976 Code, § 12-207)

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 city if the city 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 city recorder. (1976 Code, § 12-208)

16-209. Supervision. The person designated by the board of mayor and aldermen 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 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. (1976 Code, § 12-209)

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 superintendent of streets. 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. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1976 Code, § 12-210)

CHAPTER 3

RIVERFRONT FACILITIES

SECTION

- 16-301. Permit required.
- 16-302. Applications.
- 16-303. Fee.
- 16-304. Manner of construction.
- 16-305. Supervision.
- 16-306. Demolition and restoration.
- 16-307. Use of facilities.

16-301. Permit required. It shall be unlawful for any person, firm, corporation, association, or others to moor a boat, houseboat, or other watercraft, or construct any dock, platform, walkway, steps, or other facility within or adjacent to the boundaries of lands leased by the city from the Tennessee Valley Authority 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. A permit shall be required for each boat, houseboat, or watercraft and a separate permit shall be required for each dock, platform, walkway, steps, or other facility. A mooring permit shall be valid for one (1) year from date of issue. However, a permit for construction of a dock or related facility shall be valid perpetually but subject to revocation upon ten (10) days notice by the city council. (1976 Code, § 12-301)

16-302. Applications. Applications for such permits shall be made to the city recorder or such person as he may designate, and shall state thereon the location of the intended use by diagram, the name of the applicant, a description of the watercraft or, where pertinent, the size of the dock or related facility, and certification by the building inspector that he has reviewed and approved the plans for the proposed facility. (1976 Code, § 12-302)

16-303. Fee. The fee for a mooring permit shall be \$17.50 per year. The fee for a permit to construct a dock or related facility shall also be \$17.50. However, when an applicant applies for and is granted at the same time a mooring permit and a construction permit only a single fee of \$17.50 shall be levied. (1976 Code, § 12-303)

16-304. Manner of construction. Any person, firm, corporation, association, or others obstructing any dock or related facility shall do so according to the terms and conditions of the application and permit authorizing the work to be done. The type, manner, or method of construction must be

approved by the building inspector. The building inspector shall certify that the facility is constructed so as to be safe for public use upon completion of the work to be done. However, any person, firm, corporation, association, or others who construct any dock or related facility shall be responsible for keeping the facility in a good and safe state of repair. (1976 Code, § 12-304)

16-305. Supervision. The building inspector shall, from time to time, inspect all docks and related facilities and see to the enforcement of the provisions of this chapter. When and if the building inspector shall determine that a facility is not being maintained in a good and safe state of repair he shall inform the city recorder who shall revoke the permit for said facility. (1976 Code, § 12-305)

16-306. Demolition and restoration. Any person, firm, corporation, association, or others whose permit has been revoked for any reason shall restore the site of the facility to its original condition. In case of unreasonable delay in restoring the site, the city recorder shall give notice to said person, firm, corporation, association, or others that if demolition and restoration is not completed within a specified reasonable period of time, the municipality will do the work and charge the expense of doing same to such person, firm, corporation, or others. (1976 Code, § 12-306)

16-307. Use of facilities. A permit for construction of a dock or related facility merely gives the holder of said permit the right to construct said facility. It does not give the holder of said permit an exclusive right of use, and it is expressly understood that the facility is built on public property and may be used by the public in general. All facilities are to be used for waterrelated recreation purposes, and when used for any other purpose so as to become a public nuisance, a permit may be revoked under the provisions of this chapter. (1976 Code, § 12-307)