

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. STREET ACCEPTANCE.
4. PROPERTY NUMBERING.
5. MAINTENANCE OF DRIVEWAY DRAINAGE CULVERTS.
6. SKATEBOARDING AND OTHER SIMILAR ACTIVITIES.
7. ACTIONS OF PEDESTRIANS ON CITY STREETS.

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. Abutting occupants not to cause flooding of streets, etc.
- 16-115. Unauthorized depositing of sand, gravel, asphalt and other materials on city streets.
- 16-116. Police department authorized to temporarily close city parks.
- 16-117. Applications for street, way, or right-of-way closure, vacation, relocation, etc.
- 16-118. Golfing prohibited in public parks.
- 16-119. Closure of city streets for festivals, fairs, concerts, special events, etc.

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

16-120. Restricted access to public streets, sidewalks, parks, or other publicly owned areas inside the city for festivals, fairs, concerts, special events, and related activities and allowance for fees to be charged for such access.

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; provided, that the provisions of this section shall not apply to the sale of vegetables or other products of the soil sold in market places especially provided for that purpose; provide further, that this section shall not apply to churches, schools, or other charitable organizations conducting special sales to raise money for charitable causes or for purposes intended to promote the general welfare of society.

Provided, it shall be lawful for the owners and/or lessees of properties abutting on sidewalks in the City of Maryville, which sidewalks have a minimum width of twelve feet (12'), to construct and/or place planter boxes on said sidewalks in front of their properties, providing the following conditions and/or specifications are strictly adhered to:

(1) Location. Planter boxes shall be set back at least four inches (4") from the face of the nearest curb. Planter boxes may be spaced according to the discretion of the owner within his property lines, except that not more than twenty-four feet (24') of continuous planters without a break will be permissible. The break between continuous planter boxes twenty-four feet (24') long shall not be less than four feet (4'). In no case shall back of planter boxes extend more than twenty-four inches (24") from face of nearest curb.

(2) Construction. Planter boxes may be constructed of any material that is safe, durable, and pleasant to look upon. Location requirements limit the maximum outside-to-outside width of planter boxes to twenty inches (20"). Minimum outside-to-outside width shall be twelve inches (12"). Planter boxes shall be limited to twenty-six inches (26") in height. Not less than three feet (3') of each six feet (6') of length shall be left as open area at the base of the boxes so that surface water may drain to the street gutter, and so that debris will not accumulate against the base of the boxes. Planter boxes shall be constructed in such a manner as to provide sturdiness and immobility yet easy removal. Boxes shall be securely anchored in some manner to the sidewalk. The outside surface of all boxes shall be smooth and free of all protrusions that might be damaging or harmful to pedestrians.

(3) Removal. Planter boxes may be left in place on the sidewalk at all times, except that discontinued use of boxes for a period of excess of twenty-one (21) days will require removal. Planter boxes shall be removed at the direction of the police department during parades and excessively large crowds. Planter boxes allowed to deteriorate and become ugly shall be renovated or removed.

(4) Maintenance. Planter boxes shall be maintained in first class condition at all times. Flowers, shrubs or artificial flowers and/or shrubs shall be kept in the boxes at all times. Boxes shall not be left empty even during a transition period for more than four (4) days. Flowers and/or shrubs shall be watered and tended in such a manner as to provide an attractive display at all times. The person responsible for the upkeep of the boxes shall maintain the openings at the base of the boxes and keep them free of accumulations of any kind.

(5) Approval. Approval from the engineering and public works director or his/her designee office shall first be obtained before any planter boxes are erected. A sketch of intended construction and arrangement of boxes shall be submitted to the engineering and public works director's office (to be kept on permanent file) before approval can be granted. Planter boxes shall conform to all specifications and requirements of this chapter.

(6) Responsibility. At the time the owner and/or lessee of property abutting on said sidewalk shall apply for a permit to construct and/or place planter boxes on sidewalks, he shall designate some particular person to assume and have responsibility of the care and maintenance of the planter boxes, and the applicant shall agree to conform to all requirements of these specifications. If for any reason the person originally designated to assume the responsibility for the care of the planter boxes should be relieved of this responsibility, then another person shall be designated by the owner and/or lessee to assume these duties, and the engineering and public works director or his/her designee of the City of Maryville shall be promptly notified of said change. The City of Maryville assumes absolutely no responsibility for the care and maintenance of planter boxes or their contents, nor does the city assume any responsibility for damage to planter boxes or their contents.

Any person, firm, or corporation constructing and placing planter boxes upon the sidewalks of the City of Maryville without first having obtained a permit from the city to do so, or having obtained a permit and not strictly complying with the specifications hereinabove set forth in constructing or placing planter boxes on the sidewalks, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in accordance with the general penalty clause of this code.

As set forth in this paragraph, this section shall not apply to areas identified as being part of city-sponsored special event or any other official community special event as determined by the city manager during the course of such festival or special event or in times immediately before and after the set-up of such festival or special event. In such instances, the use and occupancy of public streets, alleys, sidewalks and right-of-way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials is permitted if the person or entity is expressly allowed or permitted by the city to occupy the public street, alley, sidewalk or right-of-way during city-sponsored special event or special event pursuant to terms and conditions set forth by the city. Such

terms and conditions may include a reasonable charge by the city for use of the public street, alley, sidewalk, or right-of-way during the city-sponsored special event. Obstruction of public streets, alleys, sidewalks or rights-of-way during the city-sponsored special event or any other official community special event as determined by the city manager that is not permitted by the city or use of such area in any way inconsistent with terms and conditions set forth for such use by the city is a violation subject to punishment under general penalty clause. (1985 Code, § 12-301, as amended by Ord. #2004-27, June 2004, and replaced by Ord. #2009-04, Feb. 2009)

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'). The engineering and public works director or his/her designee shall have the right to have vegetation trimmed that interferes with the flow of traffic. (1985 Code, § 12-302, as replaced by Ord. #2009-04, Feb. 2009)

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 or her 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 with a public road. (1985 Code, § 12-303, as replaced by Ord. #2009-04, Feb. 2009, and Ord. #2010-06, Jan. 2010)

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 city regulations and codes. (1985 Code, § 12-304, modified, as replaced by Ord. #2009-04, Feb. 2009)

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. (1985 Code, § 12-305, as replaced by Ord. #2009-04, Feb. 2009)

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. (1985 Code, § 12-306, as replaced by Ord. #2009-04, Feb. 2009)

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, rocks, lumber, 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.

Provided, that for the purpose of erecting, finishing, or repairing any building, an owner of property abutting upon the street and/or sidewalk shall, upon obtaining a building permit, have the privilege of depositing on the street and/or sidewalk, opposite or adjacent to said building, any lumber, brick, or material necessary for the erection, finishing, or repairing of said building; provided further, that such materials do not hinder or impede the necessary passage of citizens and others with their vehicles of any kind, nor the free passage of the water in the gutters of said streets; and provided further, that said materials do not remain longer than is absolutely necessary for the completion of the work being done and that all rubbish from said building be removed as soon as possible.

Should any rocks, lumber, rubbish, or other obstruction whatsoever be found upon any of the pavements, sidewalks, and/or streets of the city, when and where the same is not permitted by the provisions of this section, the engineering and public works director or his/her designee shall request the person allowing, making or suffering such obstructions to remove the same without delay. If the same be not removed by the offender, it shall be the duty of said engineering and public works director or his/her designee to remove or cause to be removed said obstructions, and the person offending in the matter mentioned shall be liable, in addition to the general penalty clause of this code, to pay to the city the expense of removing said obstructions. (1985 Code, § 12-307, as replaced by Ord. #2009-04, Feb. 2009)

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. (1985 Code, § 12-308, as replaced by Ord. #2009-04, Feb. 2009)

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. (1985 Code, § 12-309, as replaced by Ord. #2009-04, Feb. 2009)

16-110. Parades regulated. (1) Enforcement of other laws. Nothing contained in this section shall prohibit the authority of any officer to arrest or cite a person engaged in any act or activity granted under this section if the conduct of such person otherwise violates the laws of the state or ordinances of the city, or unreasonably obstructs the public streets and sidewalks of the city, or if such person engages in acts that cause or would tend to cause a breach of the peace as determined by the city and/or police department.

(2) Definitions. For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(a) "Block party." An outdoor gathering on a public street or portion of a public street which involves the closure or partial closure of a street.

(b) "Celebratory gathering." A gathering for the purpose of celebrating a person, place, holiday, even, and/or entity.

(c) "Concert." An outdoor event centered around amplified music or speech.

(d) "Event." A block party, celebratory gathering, concert, parade, public assembly, race or similar function as determined by the city manager or his/her designee.

(e) "Parade." The march, procession, or motorcade consisting of persons, animals, or vehicles, or a combination thereof, upon the streets within the city which interferes with the normal flow or regulation of traffic upon the streets or sidewalks.

(f) "Permit." Permission to operate an event under this chapter which is issued by the City of Maryville as required by this chapter.

(g) "Public assembly." Any meeting, demonstration, picket line, rally, or gathering of people for a common purpose, which interferes with the normal flow or regulation of pedestrian or vehicular traffic.

(h) "Race." Any organized event where participants are physically competing.

(i) "Sidewalk." Any public area or way set aside or open to the general public for purposes of pedestrian traffic.

(j) "Street." Any place or way set aside or open to the general public for purposes of vehicular traffic, including any berm or shoulder parkway, right-of-way, median or common area, or median strip thereof, set aside for parking or for purposes of vehicular traffic.

(3) Permit required. Except as exempted herein, no person or persons shall engage in or conduct any block party, celebratory gathering, concert, parade, race, public assembly, or any other event involving the use or disruption of the public right-of-way or public property, streets or sidewalks within the corporate limits of the City of Maryville, unless a permit is issued by the city manager or his/her designee.

(4) Exceptions. This section shall not apply to the following:

(a) Funeral processions;

(b) A governmental agency acting within the scope and authority of its functions;

(c) Spontaneous events occasioned by news or affairs coming into public knowledge within three (3) days of such event, provided that the organizer thereof gives written notice to the city manager or his/her designee reasonable notice of such event;

(d) Businesses that have been approved for a grand opening or similar business oriented event governed under zoning or other provisions of this code; and

(e) Any event involving less than ten (10) persons gathered together for a common purpose; and

(f) A city sponsored event; and

(g) Students going to and from classes or participating in educational activities providing such conduct is under the direction and supervision of proper school activities.

(5) Application for permit. (a) A person seeking a permit for an event as defined under this section shall file an initial application with the city manager, or his or her designee, using the initial special event application form provided by the city manager's office.

(b) For most events the initial application for a permit shall be filed with the city manager at least seven (7) calendar days and not more than three hundred sixty-five (365) calendar days before the event is proposed to commence. The city manager may waive the seven (7) day filing period and accept an application filed within a shorter period if after due consideration of the date, time, place and nature of the event the anticipated number of participants, and the city services required in connection with the event, the city manager determines that the waiver will not present a hazard to public safety and welfare. Applications for block parties, celebratory gatherings, races, concerts or other recreational type events must be filed at least ninety (90) days in advance of the event, which time period can also be waived in the discretion of the city manager. An applicant can contact the city manager's office to determine which deadline applies based on the type of event.

(c) Based on the type of event, either the chief of police or the city manager's office will be assigned to the event by the city manager. An additional application seeking additional and more specific information will be required after assignment to one (1) of these coordinators. Fees may be charged for recreational or entertainment oriented or like events to pay for extra services required of city personnel. Refundable deposits and an application may be required for use of city owned or controlled facilities, including, but not limited to, the theater in the park for certain events.

(6) Standards for issuance. The city manager or his/her designee may issue a permit when, from consideration of the application and from such other information as may otherwise be obtained, he or she finds that:

(a) The conduct of the event will not require the diversion of so great a number of city employees to properly police the line of movement, and the areas contiguous thereto, as to prevent normal public safety of the city and its citizens;

(b) If applicable, the event is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;

(c) There are sufficient parking places near the beginning/ending of the event to accommodate the number of vehicles reasonably expected;

(d) No event application for the same time and location has already been granted or has been received and will be granted;

(e) No event permit application for the same time but different location has already been granted, or has been received and will be granted that by combination thereof will disrupt city services or unreasonably inhibit traffic circulation; and

(f) The reasonable enjoyment of surrounding properties, businesses, and residences will not be disturbed in such a way as to cause an undue nuisance.

(7) Nondiscrimination. The city manager shall uniformly consider each application based upon its merits, and shall not discriminate in granting or denying permits under this chapter based upon political, religious, ethnic, race, disability, or gender-related factors.

(8) Grant or denial (a) The city manager, or his or her designee, shall have a reasonable time to grant or deny the permit under this section. The length of time which is reasonable shall be determined by the type of use, the information supplied, the time of filing of the application, the extent of advance preparation a planning demonstrated and reasonably required, and the manner in which the application demonstrates whether or not the proposed use meets the standards and purposes of this section. In no event shall an application for permit be denied less than four (4) days prior to the planned event.

(b) The city manager, or his/her designee, shall grant or deny the permit in writing, and the grant or denial shall be mailed, emailed, or delivered to the applicant.

(c) If the application for permit shall be denied, the denial shall set forth the reasons for such denial.

(d) If the application for permit is approved, the approval shall specify the date, time, and place for which the permit is approved, the route or staging area (if for a parade), the number of city personnel required, and any other requirements deemed necessary by the city manager, his/her designee.

(9) Revocation of permit. The city manager and/or his or her designee may revoke the permit and terminate all activities related to the event in the interest of public health and safety, or if a public nuisance is generated by the event as determined by the city manager and/or public safety personnel.

(10) No fund-raising events. No fund-raising activities shall occur on city owned or controlled property, streets, sidewalks or rights-of-way as part of

any permitted event except as part of city sponsored events. This prohibition expressly prohibits money exchanging hands on city owned or controlled property during or as a part of a permitted event. (1985 Code, § 12-310, modified, as replaced by Ord. #2009-04, Feb. 2009, and Ord. #2012-29, Oct. 2012)

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 ten (10) consecutive minutes. (1985 Code, § 12-311, modified, as replaced by Ord. #2009-04, Feb. 2009)

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 knowingly to allow any minor under his control to violate this section. (1985 Code, § 12-312, as replaced by Ord. #2009-04, Feb. 2009)

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. (1985 Code, § 12-313, as replaced by Ord. #2009-04, Feb. 2009)

16-114. Abutting occupants not to cause flooding of streets, etc. It shall be unlawful for any person owning and/or in possession of any land or property abutting upon any of the streets, avenues, and alleys of the City of Maryville to excavate, fill, and/or change the surface grade of said land or property in such manner as will result in flooding or increasing the accumulation or flow of surface waters upon the streets, avenues, or alleys upon which said land or property abuts; provided, however that the provisions of this section shall not apply to properties abutting upon streets, avenues, or alleys which are improved by pavement, curbs, and gutters and in which storm sewers and catch basins have been installed to carry off surface waters running upon said streets, avenues, or alleys. (1985 Code, § 12-314, as replaced by Ord. #2009-04, Feb. 2009)

16-115. Unauthorized depositing of sand, gravel, asphalt and other materials on city streets. (1) No truck, trailer or other vehicle shall be driven or moved on any streets, roads, alleys or public ways within the City of Maryville, Tennessee, unless such vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom.

Any vehicle hauling sand, gravel, asphalt or any other similar material within the City of Maryville shall be loaded so that any loose material transported therein remains at least four inches (4") below the walls of said vehicle bed as measured at the front, back and sidewalls; but such load may be piled higher in the center of the bed of the truck.

(2) Loose materials shall include any substance which could spill, drop off, or blow away from the bed when the vehicle is in operation.

For the purpose of this code section, the City of Maryville Engineering and Public Works Department and the Tennessee Department of Transportation shall be authorized to deposit sand, salt, or other material necessary for snow and ice removal and shall be authorized to spray water on city streets for purposes of sanitation.

(3) The party responsible for spilled material will be billed for cleanup if City of Maryville cleans the spill.

(4) Any violation of this section shall be a misdemeanor, punishable by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense. A charge of violation under this municipal code section shall be brought against the hauler whose vehicle is found in violation.

(5) As used in this section the term "hauler" shall include both the owner and the driver of a vehicle, and both parties shall be jointly liable. Only one (1) fine shall be imposed on a hauler, regardless of a difference between ownership and operation. (1985 Code, § 12-315, modified, as replaced by Ord. #2009-04, Feb. 2009)

16-116. Police department authorized to temporarily close city parks.¹ The Police Department of the City of Maryville upon authorization of the city manager, the chief of police, or his designee, is authorized at any time to close temporarily any and all public city parks to vehicular and pedestrian traffic when in the opinion of the city manager, the chief of police, or his designee, such action is necessary and justified for the public safety and for the general welfare of the city. It shall be unlawful for any person to violate any order of closing or any traffic control or signs posted by the police department as to any such closing of a public city park. (1985 Code, § 12-316, as replaced by Ord. #2009-04, Feb. 2009)

16-117. Applications for street, way, or right-of-way closure, vacation, relocation, etc. (1) Application fee. Whenever a request is made by any person, firm, organization, or corporation with the exception of governmental agencies to narrow, relocate, close, vacate or change the use of any

¹Municipal code reference

Recreation and parks system: title 2, chapter 2.

street, way, or right-of-way within the corporate limits of Maryville, Tennessee, an initial filing fee in the amount of two hundred fifty dollars (\$250.00) shall be paid to the City of Maryville, Tennessee. The filing fee may upon proper showing of hardship or unusual circumstances be waived if in the sole judgment of the city and waiver is reasonable and justified. The fee shall be paid prior to the request being reviewed by the Maryville Regional Planning Commission and before they render a recommendation on the request to the Council of Maryville, Tennessee.

(2) Resubmission of request. No person, firm, organization, or corporation may resubmit a request to narrow, relocate, close, vacate or change the use of any street, way or right-of-way within the corporate limits of Maryville, Tennessee, until the passage of twelve (12) months from the original request and the filing of a new application fee in accordance with the subsection (1) of this section. Upon proper showing of hardship or unusual circumstances the city may in its sole discretion waive this requirement. (1985 Code, § 12-317, as replaced by Ord. #2009-04, Feb. 2009)

16-118. Golfing prohibited in public parks. The practice of golfing and the activities relating to the sport of golf shall be prohibited from being pursued within the boundaries of public parks located in the City of Maryville. (1985 Code, § 12-318, as replaced by Ord. #2009-04, Feb. 2009)

16-119. Closure of city streets for festivals, fairs, concerts, special events, etc.¹ The city manager in his/her reasonable discretion shall be permitted to allow for the temporary closure of any public streets and sidewalks within the City of Maryville to allow for a festival, fair, concert, special event, etc. to be held on or around such streets and sidewalks. Such closure shall be allowed only provided that there is ample opportunity for re-routing traffic through the affected area in a reasonable manner. Such streets and sidewalks shall be closed pursuant to terms and conditions determined by the city manager. (as added by Ord. #2003-28, Sept. 2003, and replaced by Ord. #2009-04, Feb. 2009)

16-120. Restricted access to public streets, sidewalks, parks, or other publicly owned areas inside the city for festivals, fairs, concerts, special events, and related activities and allowance for fees to be charged for such access.¹ The city manager in his/her reasonable discretion after allowing for the temporary closure of public streets, sidewalks, parks or other city owned areas within the City of Maryville to allow for a festival, fair, concert, special event, or related activity may allow for restricted access to such

¹Municipal code reference

City-sponsored special event rules and regulations: title 20, chapter 3.

otherwise public areas by use of fencing, blockades, armbands, or other like measures. Additionally, the city manager in his discretion may allow for reasonable fees to be charged for access to such festivals, fairs, concerts, special events, or related activities even though such events take place on public streets, sidewalks, parks or other city owned areas in the City of Maryville. Consideration shall be given to allow sufficient and reasonable opportunity for those people who live or conduct business in the affected area to reasonably continue to do so. (as added by Ord. #2004-22, April 2004, and replaced by Ord. #2009-04, Feb. 2009)

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit.
- 16-205. Manner of excavating--barricades and lights.
- 16-206. Driveway cuts.
- 16-207. Restored streets and curbs.
- 16-208. Perpetual care.
- 16-209. Inspection.
- 16-210. Specifications.
- 16-211. Insurance.
- 16-212. Time limits.
- 16-213. Supervision.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, public or private utility, association, or others to make any cut or excavation in any street, curb, alley, or public right-of-way, or to tunnel under any street, curb, alley, or public right-of-way in the city without having first obtained a permit, as herein required, and 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 practicably have been obtained beforehand. The person shall therefore apply for a permit on the first regular business day on which the office of the engineering and public works director or his/her designee is open for business, and said permit shall be retroactive to the date when the work was begun; however, said requirement of this section may be waived by the engineering and public works director or his/her designee. (1985 Code, § 12-201, as replaced by Ord. #2009-04, Feb. 2009)

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).

16-202. Applications. Applications for such permits shall be made to the engineering and public works director or his/her designee or such person designated by him/her 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, public or private utility, association, or others doing the actual excavating, 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 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 engineering and public works director or his/her designee within five (5) working days of its filing. However, the requirements of this section, shall not be construed to apply to the emergency requirement set forth in § 16-201. (1985 Code, § 12-202, as replaced by Ord. #2009-04, Feb. 2009)

16-203. Fee. The fee for such permits shall be set by resolution as adopted by the Council of the City of Maryville. (1985 Code, § 12-203, as replaced by Ord. #2009-04, Feb. 2009)

16-204. Deposit. It shall be the responsibility of the permittee to place with the City of Maryville a cash deposit either by the job or activity or on an annual basis. The amount of the deposit shall be determined by the engineering and public works director or his/her 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. (1985 Code, § 12-204, as replaced by Ord. #2009-04, Feb. 2009)

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 Maryville Engineering and Public Works Department. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavations being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. It shall be the responsibility of the permittee to adhere to the Manual on Uniform Traffic-Control Devices, current edition. (1985 Code, § 12-205, as replaced by Ord. #2009-04, Feb. 2009)

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 engineering and public works director or his/her designee. 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. (1985 Code, § 12-206, as replaced by Ord. #2009-04, Feb. 2009)

16-207. Restored streets and curbs. Any person, firm, corporation, public or private utility, association or others making any excavation or tunnel in or under any street, curb, alley or public right-of-way in the city shall backfill said street, curb, alley or public right-of-way and restore the same including final surfacing to city specifications and standards promptly upon the completion of the work for which the excavation or tunnel is made. Final surfacing may be done by the city at the expense of the entity for which the excavation or tunnel is made if requested, providing that city crews can schedule the work within twenty-four (24) hours of this request. If not, the entity will be required to place final surfacing in accordance with the requirements of this chapter. No excavation or tunnel in or under any street, curb, alley, or public right-of-way shall be permitted to obstruct the flow of traffic. In the event final resurfacing cannot be completed immediately after backfilling, the entity shall use temporary resurfacing materials such as cold mix or steel plate or an approved detour around such opening or excavation which would aid the flow of traffic. The detour must be approved by the engineering and public works director or his/her designee prior to establishing any such detour. (1985 Code, § 12-207, as replaced by Ord. #2009-04, Feb. 2009)

16-208. Perpetual care. Any person, firm, corporation, public or private utility, association, or others affecting 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 for repairs shall be the responsibility of the utility owners of the facility which was placed within the City of Maryville public way. The city's engineering and public works department will be responsible for making the repairs or having the work contracted. The city may allow the utility to make the repair if requested to do so. Repairs shall be made in accordance with specifications furnished by the City of Maryville. (1985 Code, § 12-208, as replaced by Ord. #2009-04, Feb. 2009)

16-209. Inspection. It shall be the responsibility of any person, firm, corporation, public or private utility, association, or others to call for an inspection of the permitted facility as required by the permit. The permit shall specify, based upon the size and scope of the permitted work, the type of inspection to be required. Should a full-time person be mandated, the cost of this service will be borne by the owner of the permitted work. The permittee is to be bound by the rules and regulations as specified on the permit. (1985 Code, § 12-209, as replaced by Ord. #2009-04, Feb. 2009)

16-210. Specifications. Each permit shall be assigned a set of restoration specification standards. These specifications will be referenced by

number and so indicated on the permit. It shall be the responsibility of the city engineering and public works department to maintain and provide the specification standards. The permittee may request a copy as required. The cost of the specification shall be limited to reproduction cost and paid by the permittee. (1985 Code, § 12-210, as replaced by Ord. #2009-04, Feb. 2009)

16-211. Insurance. In addition to making the deposit hereinbefore provided to be made, 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 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 the liability arising from completed operations. The amount of the insurance shall be prescribed by the risk manager in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury in effect shall not be in an amount less than one million U.S. dollars (\$1,000,000.00) aggregate per occurrence for all types of insurance required. All certificates of insurance are required to have the City of Maryville added/endorsed on each certificate as "additional insureds." (1985 Code, § 12-211, as replaced by Ord. #2009-04, Feb. 2009)

16-212. 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 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 engineering and public works director or his/her designee. (1985 Code, § 12-212, as replaced by Ord. #2009-04, Feb. 2009)

16-213. Supervision. The engineering and public works director or his/her designee shall inspect 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 the inspector 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. (1985 Code, § 12-213, as replaced by Ord. #2009-04, Feb. 2009)

CHAPTER 3**STREET ACCEPTANCE****SECTION**

16-301. Conditions upon which streets will be accepted by the municipality for maintenance.

16-302. Must be for public use.

16-301. Conditions upon which streets will be accepted by the municipality for maintenance. The municipality will accept for maintenance and incorporate into its street system only those roads and streets which comply with the requirements of the subdivision regulations of the Maryville Planning Region. ¹ (1985 Code, § 12-101, as replaced by Ord. #2009-04, Feb. 2009)

16-302. Must be for public use. Before the municipality will accept for maintenance and incorporate into its street system any road and/or street, the owner or owners thereof shall dedicate said road or street for public use in the manner provided by law. Said road and/or street shall meet or exceed the municipality's street and road specifications to qualify for public dedication. (1985 Code, § 12-102, modified, as replaced by Ord. #2009-04, Feb. 2009)

¹These regulations were adopted by the Maryville Regional Planning Commission and a copy of these regulations is of record in the city recorder's office.

CHAPTER 4

PROPERTY NUMBERING

SECTION

- 16-401. Uniform numbering system.
- 16-402. Assignment of street numbers.
- 16-403. Posting of designated street address.
- 16-404. New buildings and administration.
- 16-405. Penalties.

16-401. Uniform numbering system. A uniform system is hereby established for numbering properties and private buildings fronting on all public and private streets, avenues, boulevards, roads, lanes, alleys, and other ways in the City of Maryville. (1985 Code, § 12-401, as replaced by Ord. #2005-22, June 2005, and Ord. #2009-04, Feb. 2009)

16-402. Assignment of street numbers. Property numbers for all properties or parcels of land, dwelling units, or places of business, shall be assigned by the Blount County Communication Center in accordance with its policies. (1985 Code, § 12-402, as replaced by Ord. #2005-22, June 2005, and Ord. #2009-04, Feb. 2009)

16-403. Posting of designated street address. (1) Each principal building shall display the number assigned to the frontage on which the front 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.

(2) Numerals indicating the official numbers for each principal building or each front entrance to such building shall be placed either over or at the side of the main entrance of said building or upon the front of any porch or stoop thereof or over or at the side of any gateway leading thereto, or upon the steps thereof in such manner that the same may be plainly seen and distinguishable from the street on which the property is located and in such a manner that the same shall not be hidden from view by any trees or shrubs or other obstructions.

All units that do not allow ready or easy visibility of its address numerals from the street due to excessive set back, shrubbery, or color shall place a parcel identification marker near the entrance or driveway to the parcel. Such identification marker shall contain the parcel's designated address.

(3) All building numbers displayed shall be permanent, legible figures not less than two and one-half inches (2 1/2") nor more than five inches (5") high and of a color contrasting to the building background.

(4) It shall be the duty of the owner or occupant or person in charge of each principal building upon affixing the new numbers to remove any different number which might be mistaken for, or confused with, the number assigned to said structure by the building inspector, or his designee.

(5) It shall be permissible to have property address numerals painted on the curb in front of a lot. Such curbside designations shall be positioned in front of the unit or between the driveway and half the distance of the frontage along the public street.

All painted numerals displayed on curbs shall be permanent, legible blue or black colored numerals, which are no more nor less than four inches (4") high, on a white contrasting background. The background shall be no more nor less than six inches by four inches (6"x4"). All paint used shall be of alkyd resin, Type F traffic paint. Numerals shall have glass beads or similar materials for reflective purposes. These standards are in accordance with the attached sheet designated Attachment "A," which is made a part of this chapter.¹

Painted curbside numerals shall not replace the required assigned numerals which are to be placed on the front entrance to all principal buildings as provided in this section. Further, painted curbside numerals shall not replace parcel identification markers which are required by this section if a unit is not easily visible from the street due to an excessive set back. (1985 Code, § 12-403, as replaced by Ord. #2009-04, Feb. 2009)

16-404. New buildings and administration. (1) The Blount County Communication Center shall assign the number to each lot or tract which may hereafter be 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 Blount County Communication Center or his designee the official number of the premises. Final approval of a certificate of occupancy of any principal building erected or repaired after the adoption of this chapter shall be withheld until permanent and proper numbers have been displayed in accordance with § 16-403 of this chapter. (1985 Code, § 12-404, as replaced by Ord. #2005-22, June 2005, and Ord. #2009-04, Feb. 2009)

16-405. Penalties. In the event that an owner, occupant, person, or corporation responsible for any parcel or unit or building refuses to comply with the terms herein stated by failing to affix the number assigned shall be deemed guilty of a violation of the municipal code and upon conviction shall be subject to a fine of not more than fifty dollars (\$50.00). Each day the unit of property is in violation of this chapter shall constitute a separate offense. (1985 Code,

¹Attachment A to Ord. #86-1 is of record in the city recorder's office.

§ 12-405, as replaced by Ord. #2005-22, June 2005, and Ord. #2009-04, Feb. 2009)

CHAPTER 5

MAINTENANCE OF DRIVEWAY DRAINAGE CULVERTS

SECTION

16-501. Maintenance of residential driveway drainage culverts.

16-502. Maintenance of multi-family residential, commercial and industrial driveway drainage culverts.

16-503. Time limitation to make repairs on drainage culverts.

16-501. Maintenance of residential driveway drainage culverts.

Where residential driveways cross street side drainage ditches requiring drainage culverts, it shall be the responsibility of the property owner served by the driveway, to maintain the drainage culvert in such a manner as to ensure an uninterrupted flow through the drainage culvert at all times. In the event of the drainage culvert being declared unusable by the engineering and public works director or his/her designee, the owner of the property served by the driveway shall be responsible for purchasing a replacement drainage culvert. The installation of the replacement drainage culvert will be made by the City of Maryville. The engineering and public works director or his/her designee shall determine drainage culvert location, alignment, material, size and length. (1985 Code, § 12-501, as replaced by Ord. #2009-04, Feb. 2009)

16-502. Maintenance of multi-family residential, commercial and industrial driveway drainage culverts.

Where multi-family residential, commercial and industrial driveways cross street side drainage ditches requiring drainage culverts, it shall be the responsibility of the property owner served by the driveway to maintain the drainage culvert in such a manner as to ensure an uninterrupted flow through the drainage culvert at all times. In the event of the drainage culvert being declared unusable by the engineering and public works director or his/her designee, the owner of the property served by the driveway shall be responsible for purchasing a replacement drainage culvert; and for the installation of the drainage culvert. The engineering and public works director or his/her designee shall approve drainage culvert location, alignment, material, size and length. (1985 Code, § 12-502, as replaced by Ord. #2009-04, Feb. 2009)

16-503. Time limitation to make repairs on drainage culverts.

In the event a property owner is told by the engineering and public works director or his/her designee that maintenance or replacement of the drainage culvert is required, the owner shall have sixty (60) days from the time notified by the engineering and public works director or his/her designee to complete the required work. However, if the public welfare and health are endangered by a condition which needs to be corrected, the engineering and public works director

or his/her designee shall specify a time period of less than sixty (60) days in which the work shall be completed. (1985 Code, § 12-503, as replaced by Ord. #2009-04, Feb. 2009)

CHAPTER 6

SKATEBOARDING AND OTHER SIMILAR ACTIVITIES

SECTION

16-601. Skateboards, roller blades, etc. prohibited in certain areas.

16-602. Definitions.

16-603. Exemptions from this chapter.

16-604. Violation.

16-601. Skateboards, roller blades, etc. prohibited in certain areas. It shall be unlawful for any person utilizing or riding upon any skateboard, roller blades or any similar device to ride or move about in or on any public property in the downtown area of the City of Maryville or on the stage at the Theater in the Park or on the city's Bicentennial Monument. Roller blades are not prohibited on the greenway trail in these areas. Furthermore no person shall use a skateboard, roller blades, or similar device outside of the downtown area in a manner which creates a nuisance. For the purpose of this chapter "nuisance" is defined as any activity which:

(1) Under the circumstances reasonably threatens injury to persons or property;

(2) Creates an obstruction or presents a hazard to the free and unrestricted use of public property by pedestrians or motorist; or

(3) Generates loud or unreasonable noise. (Ord. #98-50, Dec. 1998, as amended by Ord. #2001-11, May 2001, and replaced by Ord. #2009-04, Feb. 2009)

16-602. Definitions. For the purposes of this chapter, the following words shall have the meanings ascribed:

(1) "Downtown area" shall be defined as beginning at a point, said point being at the intersection of the southeastern right-of-way of Broadway Avenue with the southeastern right-of-way of South Cates Street, as found on the Blount County Tax Map 57-E Group D; thence in a southeasterly direction one hundred eighty feet (180') more or less to a point, said point being common to the intersection of the southeastern right-of-way of South Cates Street with the northwestern right-of-way of Church Street; thence in a northeasterly direction nine hundred thirteen feet (913') more or less along the northeastern right-of-way of Church Street to a point, said point being the intersection of the northwestern right-of-way of Church Street with the northeastern right-of-way of Cusick Street as found on Blount County Tax Map 58-A; thence in a northeasterly direction sixty feet (60') more or less and crossing the right-of-way of Cusick Street to a point, said point being common to the northwestern right-of-way of Church Street and the northeastern right-of-way of Cusick Street; thence continuing in a northeasterly direction eight hundred sixty seven

feet (867') more or less along the northeastern right-of-way of Church Street to a point, said point being common to the northeastern right-of-way of Church Street and Parcel 29 of Group A on Blount County Tax Map 58-A; thence in a northeasterly, northerly, northwesterly and northerly direction five hundred eighty seven feet (587') more or less along the western right-of-way of Church Street to a point, said point being the intersection of the western right-of-way of Church Street with the northeastern right-of-way of East Harper Avenue; thence in a southwesterly direction two hundred seventy eight feet (278') more or less along the northeastern right-of-way of East Harper Avenue to a point, said point being the intersection of the southeastern right-of-way of East Harper Avenue with the northeastern right-of-way of New Street; thence in a southwesterly direction sixty feet (60') more or less and crossing New Street to a point, said point being common to the southwestern right-of-way of New Street and its intersection with the southeastern right-of-way of East Harper Avenue; thence in a southwesterly direction one thousand seventeen feet (1,017') more or less along the southeastern right-of-way of East Harper Avenue to a point being common to the southeastern right-of-way of East Harper Avenue with the northeastern right-of-way of Cusick Street; thence in a southwesterly direction sixty feet (60') more or less and crossing Cusick Street to a point, said point being common to the southeastern right of West Harper Avenue with the northwestern right-of-way of Cusick Street; thence in a southwesterly direction six hundred eighty two feet (682') more or less along the southeastern right-of-way of West Harper Avenue to a point, said point being common to the southwesterly right-of-way of West Harper Avenue and the northern most point of Parcel 9 as found on Blount Tax Map 57-D Group D; thence in a southwesterly and southerly direction three hundred five feet (305') more or less along the southwestern right-of-way of West Harper Avenue and the eastern right-of-way of Cates Street to a point; said point being common to the eastern right-of-way of Cates Street and the northwestern right-of-way of Broadway Avenue; thence in a southeasterly direction sixty five feet (65') more or less and crossing Broadway Avenue to a point, said point being the point of beginning.

(2) "Public property" shall mean any property owned or maintained by the City of Maryville, Blount County or any public utility within the geographical boundaries of the City of Maryville.

(3) "Skateboard" shall mean a board of any material, which has wheels attached to it and which, if propelled or moved by human, gravitational, or mechanical power, and to which there is not fixed any device or mechanism to turn or control the wheels.

(4) "Roller blades" shall mean any footwear, or device which may be attached to the foot or footwear, to which wheels that are "in line," are attached, and where such wheels may be used to aid the wearer in moving or propulsion. (Ord. #98-50, Dec. 1998, as replaced by Ord. #2009-04, Feb. 2009)

16-603. Exemptions from this chapter. Any device designated, intended, and used solely for the transportation of infants, the handicapped, or incapacitated persons, devices designed, intended, and used for the transportation of merchandise to and from the place of purchase and other wheeled devices, when being used for either of these purposes shall be exempt from this chapter. Furthermore the city council may, by resolution, suspend the enforcement provisions of this chapter to accommodate special events when so requested by the event organizer. (Ord. #98-50, Dec. 1998, as replaced by Ord. #2009-04, Feb. 2009)

16-604. Violation. Any person violating or interfering with the enforcement of the provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined under the general penalty clause of this municipal code. (Ord. #98-50, Dec. 1998, as replaced by Ord. #2009-04, Feb. 2009)

CHAPTER 7

ACTIONS OF PEDESTRIANS ON CITY STREETS

SECTION

- 16-701. Application of chapter.
- 16-702. Right-of-way in crosswalks.
- 16-703. When use of marked crosswalks required.
- 16-704. Use of right half of crosswalk.
- 16-705. Crossing at other than crosswalks.
- 16-706. Pedestrian tunnels or overhead crossings.
- 16-707. Walking on roadways.
- 16-708. Duty of drivers with regard to pedestrians.
- 16-709. Special provisions for pedestrians guided by dog or carrying white cane.

16-701. Application of chapter. Pedestrians shall be subject to traffic control signals at intersections as provided in this chapter. At all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter. (as added by Ord. #2008-31, Sept. 2008)

16-702. Right-of-way in crosswalks. (1) When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way (slowing down or stopping if need be to so yield) to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling; or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(2) Whenever a vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle. (as added by Ord. #2008-31, Sept. 2008)

16-703. When use of marked crosswalks required. Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk. (as added by Ord. #2008-31, Sept. 2008)

16-704. Use of right half of crosswalk. Pedestrians shall move, whenever practicable, upon the right half of crosswalks. (as added by Ord. #2008-31, Sept. 2008)

16-705. Crossing at other than crosswalks. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway. (as added by Ord. #2008-31, Sept. 2008)

16-706. Pedestrian tunnels or overhead crossings. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway. (as added by Ord. #2008-31, Sept. 2008)

16-707. Walking on roadways. (1) Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon the adjacent roadway except as may be necessary to lawfully cross said roadway.

(2) Where sidewalks are not provided, any pedestrian walking along and upon a street shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction. (as added by Ord. #2008-31, Sept. 2008)

16-708. Duty of drivers with regard to pedestrians. Notwithstanding the provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway. (as added by Ord. #2008-31, Sept. 2008)

16-709. Special provisions for pedestrians guided by dog or carrying white cane. (1) No person, unless totally or partially blind or otherwise incapacitated, while on any public street or thoroughfare, shall carry in a raised or extended position any cane or similar walking stick colored white or white tipped with red.

(2) Whenever any pedestrian guided by a guide dog or carrying in any raised or extended position a cane or similar stick white in color or white tipped with red shall undertake to cross any public street or thoroughfare, the driver of each and every vehicle approaching such pedestrian shall bring such vehicle to a complete stop and, before proceeding, shall take all precautions necessary to avoid injuring such pedestrian. Nothing in this section shall be construed as making any person totally or partially blind or otherwise incapacitated guilty of negligence per se or contributory negligence in undertaking to cross any street or thoroughfare without being guided by a trained dog or carrying a cane or stick of the type herein mentioned. (as added by Ord. #2008-31, Sept. 2008)