

TITLE 16

STREETS AND SIDEWALKS, ETC¹

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.
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- 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.
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- 16-109. Abutting occupants to keep sidewalks clean, etc.
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- 16-114. Basketball goals alongside or within public rights-of-way.

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.

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.

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection.

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

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 except when expressly authorized by the board of mayor and aldermen after a finding that no hazard will be created by such banner or sign.

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.

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes.

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.

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.

16-110. Parades, etc., regulated. It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the town recorder.

16-111. Operation of trains at crossings regulated. No person shall operate any railroad train across any street or alley without giving a warning

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

of its approach as required by state law; nor shall he make such crossing at a speed in excess of twenty-five (25) miles per hour. 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. (Ord. No. 21)

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 unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section.

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.

16-114. Basketball goals alongside or within public rights-of-way.

(1) No portable or fixed basketball goal shall be placed, erected or maintained on or alongside the right-of-way of any public street within the municipal limits of the Town of Atoka so as to allow a person or persons to play within the street. The placement of any basketball goal within a public right of way or the presence of persons within a public street playing basketball on such a goal shall be a violation of this section.

(2) Any violation of this section shall be punishable by a fine of fifty dollars (\$50.00). (as added by Ord. #03-11-01, Dec. 2003)

CHAPTER 2

EXCAVATIONS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Safety restrictions on excavations.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.

16-201. 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 town recorder is open for business, and the permit shall be retroactive to the date when the work was begun.

16-202. Applications. Applications for such permits shall be made to the town recorder, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, 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

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).

to the work to be done. Such application shall be rejected or approved by the town recorder within twenty-four (24) hours of its filing.

16-203. Fee. The fee for such permits shall be twenty dollars (\$20.00).

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the town recorder a cash deposit. The deposit shall be in the sum of five hundred dollars (\$500.00) if no pavement is involved or one thousand dollars (\$1,000.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and, laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the town recorder may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the town of relaying the surface of the ground or pavement, and of making the refill if this is done by the town or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the town recorder a surety bond in such form and amount as the town recorder shall deem adequate to cover the costs to the town if the applicant fails to make proper restoration.

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.

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this town shall restore the street, alley, or public place to its original condition except for the surfacing, which shall be done by the town but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the town recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the town will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the town, an accurate account of the

expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel.

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 town 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.

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the town if the town restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the town recorder.

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 town and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences.

CHAPTER 3

EMERGENCY ADDRESS SYSTEM

SECTION

16-301. New structures and mobile homes.

16-302. Address numbers must be displayed.

16-301. New structures and mobile homes. (1) All persons, firms, corporations and other legal entities constructing new structures or locating or relocating mobile homes in Atoka, Tennessee, shall obtain an address notification form or serial number, duly issued by the Tipton County Emergency Communications Center, E-911 Address Systems Office.

(2) Any utility company operating in the Town of Atoka, Tennessee, shall advise all customers when requesting service that an address must be obtained from the Tipton County Emergency Communications Center. A "new structure" is defined as a house, apartment or commercial structure newly constructed, being occupied by the applicant for the first time and that will require a utility installation visit to obtain utility service. The subscriber will be required to provide proof that a proper address has been issued. Proof shall consist of providing the assigned street and structure number and the serial number of the address notification form as issued by the Tipton County Emergency Communications Center, E-911 Address Systems Office.

(3) Applicants shall apply for an address from the Tipton County Emergency Communications, E911 Address Systems Office. Application may be made via the telephone or in writing to Tipton County Emergency Communications Center, E911 Address Systems Office. The Tipton County Emergency Communications Center, E-911 Address Systems Office shall furnish the applicant with a copy of the address notification form to present to the utility companies and the United States Postal Service, when requested by said utilities and Postal Service. When a request is made for an address, the approximate location will be obtained from the applicant along with any identifying structures or landmarks which may help locate the structure or property requiring the address.

(4) As soon as practically possible after a request is made for an address to the Tipton County Emergency Communications Center, E-911 Address Systems Office, an address shall be issued and the necessary form filled out and a serial number assigned to said form. The Address Systems Office shall maintain a record of all addresses issued. (as added by Ord. #03-07-02, Aug. 2003)

16-302. Address numbers must be displayed. (1) The Tipton County Emergency Communications Center, E-911 Address Systems Office shall advise the applicant to post in a conspicuous place on the structure the address number

which shall be standard numbers at least four (4) inches high. The address numbers shall be posted within thirty (30) days of occupancy of the structure.

(2) The applicant shall remove any numbers which might be mistaken for or confused with the address number assigned to the structure by the issuing authority.

(3) Each principal building or structure shall display the address number assigned to the building on the front wall where the entrance is located. In case the principal building is occupied by more than one business or family dwelling units, each separate front entrance shall display a separate number. Where suite or lot numbers are assigned, the suite or lot number shall also be displayed in the same manner as the building number.

(4) Numerals indicating the official numbers assigned to each principal building, or each front entrance to such building, shall be posted in a manner as to be legible and distinguishable from the street or road on which the property is located with numbers painted or applied, of not less than four inches (4") in height.

(5) Mail boxes shall be marked with the building number as assigned by the Tipton County Emergency Communications Center, E-911 Addressing Office.

(6) If the structure is not visible from the street or road on which it is located, and no mail box is beside the driveway leading to the structure, a sign or number post shall be erected which will allow the numbers to be displayed either vertically from the top down or horizontally.

(7) In the event that the owner or occupant or person in charge of any house or building refuses to comply with the terms of this chapter, failing to affix the number assigned within thirty (30) days after notification, or by failing within thirty (30) days to remove any old number affixed to such house or building, or house or building entrance, or elsewhere, which may be confused with the number assigned thereto, said owner or occupant shall be punished by paying a fine of not less than ten dollars (\$10.00) for every day that the situation is not rectified after receiving a written citation for such failure to comply with the Tipton County Emergency Communications Center, E-911 Address Systems Office. (as added by Ord. #03-07-02, Aug. 2003)