

TITLE 16

STREETS AND SIDEWALKS, ETC.¹

CHAPTER

1. MISCELLANEOUS.
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CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Use of public ways for parades, assemblies, etc.
 16-102. Deposition debris on public ways.
 16-103. Arrest and penalties for violations.
 16-104. Basketball goals alongside or within public rights-of-way.

16-101. Use of public ways for parades, assemblies, etc. (1) It is unlawful for any person, without the written permission of the mayor, to conduct or participate in any parade or to march on the sidewalk or streets of the city or to walk, ride or stand in organized groups on said sidewalks or streets while carrying banners, placards, signs or the like, or to sit, kneel, or recline on the sidewalks or street of the city, or to engage in public speaking, group singing, or any other similar distracting activity on any of the sidewalks or

¹Municipal code references

- Blocking intersections: title 15.
- Buildings and building regulations: title 12.
- Deposit of garbage on streets or sidewalks: title 17.
- Driving on sidewalks: title 15.
- Internal streets in mobile home parks: title 14.
- Littering streets and public ways: title 13.
- Motor vehicles and traffic: title 15.
- One-way streets and alleys: title 15.
- Stop and yield intersections: title 15.
- Stopping, standing and parking of motor vehicles: title 15.
- Superintendent of streets and sanitation: title 1.
- Unlawful to deposit beer cans, bottles, etc., on streets or public places: title 11.

streets of the city, or to assemble in groups on any sidewalk or street in such numbers or manner as to block or interfere with the customary and normal use thereof by the public unless the persons so assembled in such groups are engaged in watching a march or parade authorized under this section; provided, however, that no such written permission shall be required for a bona fide funeral procession en route to a cemetery or for any parade or march by any unit of the Tennessee National Guard or the United States Army, Navy, Air Corps, or Marine Corps, or by personnel of the police or fire department of the city.

(2) The City of Bolivar will charge a fifteen dollar (\$15.00) permit fee that must be paid at city hall two (2) weeks prior to the event, along with the requirement of certificate of liability insurance for each event scheduled naming the certificate holder as the City of Bolivar and also known as an additional insured on the event holder's policy. (1998 Code, § 16-101)

16-102. Depositing debris on public ways. It shall be unlawful for any person to throw or place nails, tacks, bottles, rocks, bricks, paper, trash or other debris of any kind on a sidewalk or street of the city. (1998 Code, § 16-102)

16-103. Arrest and penalties for violations. (1) Any member of the police force or any other duly authorized law enforcement official is authorized to arrest, with or without warrant, any person violating any of the provisions of this chapter.

(2) Any person violating any of the provisions of this chapter shall, upon conviction, be punished by a fine of not less than two dollars (\$2.00) and not more than fifty dollars (\$50.00). (1998 Code, § 16-103)

16-104. 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 City of Bolivar 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). (1998 Code, § 16-104)

CHAPTER 2

EXCAVATIONS

SECTION

- 16-201. Permit--required.
- 16-202. Application.
- 16-203. Fee and replacement costs.
- 16-204. Surety bond.
- 16-205. Permit not required for excavations by public service companies.
- 16-206. Work to be completed expeditiously.
- 16-207. Protective fences, barriers, etc., to be provided.
- 16-208. Illumination.
- 16-209. Unauthorized removal of warning barriers and lights.
- 16-210. Control of traffic at excavation sites.
- 16-211. Removal of debris and cleaning up.
- 16-212. Classification of excavation as emergency.
- 16-213. Emergency excavations without permit.
- 16-214. Inspections and regulations.
- 16-215. Drawings of subterranean structures and installations to be maintained.
- 16-216. Exemption of city from permit requirements and from liability for damages.
- 16-217. Restrictions on excavations after streets paved or repaved; notice.

16-201. Permit--required. It shall be unlawful for any person to dig up, break, excavate, tunnel, undermine or in any manner break up any street or sidewalk, make or cause to be made any excavation in or under the surface of any street, sidewalk or other public way or place in the city for any purpose unless such person shall first have obtained an excavation permit therefor from the city administrator. (1998 Code, § 16-201, modified)

16-202. Application. No permit shall be issued pursuant to the preceding section unless a written application therefor is submitted to the city administrator. The application shall state the name and address of the applicant, the nature, location and purpose of the excavation, the date of commencement and date of completion of the excavation, and such other data as may reasonably be required by the city administrator. (1998 Code, § 16-202, modified)

16-203. Fee and replacement costs. A permit fee shall be charged by the city administrator for each permit issued pursuant to § 16-201. The fee shall be in the amount of one dollar (\$1.00) plus such sum as will be sufficient to cover any costs which the city will likely incur in replacing the pavement, etc., unless

the permittee expressly agrees, with the city's permission, to perform all restoration work in accordance with specifications prescribed by the superintendent of streets and sanitation. (1998 Code, § 16-203, modified)

16-204. Surety bond. Before an excavation permit is issued, the applicant shall deposit with the city administrator a surety bond in the amount of ten thousand dollars (\$10,000.00) payable to the city, issued by a surety company authorized to do business within the state. Such bond shall be conditioned upon the permittee's compliance with this chapter and shall secure and hold the city and its officers harmless against any and all claims, judgments and other costs arising from the excavation and other work covered by the excavation permit or for which the city, the city council or any city officer may be made liable by reason of any accident or injury to persons or property through the fault of the permittee either in not properly guarding the excavation or for any other injury resulting from the negligence of the permittee and further conditioned that the permittee will fill up, restore and place in good and safe condition as near as may be to its original condition, to the satisfaction of the superintendent of streets and sanitation, all openings and excavations made under the excavation permit and that said permittee will maintain any public way where an excavation is made by him in as good condition for the period of twenty-four (24) months after said work shall have been done, usual wear and tear excepted, as it was in before said work was done; provided, however, that nothing contained in this section shall be construed to require the permittee to maintain any pavement restored at his expense by the city if such restoration should prove defective. (1998 Code, § 16-204, modified)

16-205. Permit not required for excavations by public service companies. All persons operating public utilities in the city under franchises granted by the city and having the right either by general or special permits on to enter upon streets and open and excavate pavements, sidewalks, or disturb the surface thereof by excavation or other work shall not be required to apply for permit but shall be required to perform the work and bring it to completion as promptly as practicable and to that end shall employ an adequate standing force. Any person operating any such public utility shall, however, comply with other requirements of this chapter, including the surety bond requirement. (1998 Code, § 16-205)

16-206. Work to be completed expeditiously. Any person making an excavation under provisions of this chapter shall prosecute with diligence and expedition all excavation work covered by such permit and shall promptly complete the work and restore the street, sidewalk or alley to its original condition, or as near as may be, as soon as practicable and in any event not later than the date specified in the excavation permit therefor. (1998 Code, § 16-206)

16-207. Protective fences, barriers, etc., to be provided. Any person making an excavation under provisions of this chapter shall erect and maintain such fences, railings or barriers about the site of the excavation work as may be necessary to provide a minimum of encroachment upon streets and sidewalks and to prevent danger to persons using the city street, alley, or sidewalk. Such protective barriers shall be maintained until the work has been completed or the danger removed. (1998 Code, § 16-207)

16-208. Illumination. All excavations of streets or sidewalks in the city shall be illuminated at night by suitable and sufficient lights or flares placed around the excavation or upon excavated materials, structures or other obstructions at the site of the excavation. Such lights or flares shall be kept burning throughout the night until the excavation is completed and filled in, to warn all persons that there is danger. (1998 Code, § 16-208)

16-209. Unauthorized removal of warning barriers and lights. It shall be unlawful for anyone without proper authority to remove or tear down the fence or railing or other protective barriers or any lights installed or erected for the protection of the public at any excavation of streets or sidewalks in the city. (1998 Code, § 16-209)

16-210. Control of traffic at excavation sites. The city administrator shall prescribe such appropriate measures as he may deem necessary to assure that traffic conditions shall remain as nearly normal as possible in the vicinity of the excavation of a street or sidewalk in the city. Such measures may include the temporary closing of streets to all traffic, in which event the administrator shall promptly notify the police and fire departments of the action taken. Where flagmen are deemed necessary by the administrator, they shall be provided by the excavation permittee at his own expense. (1998 Code, § 16-210, modified)

16-211. Removal of debris and cleaning up. Immediately upon completion of any excavation work under provisions of this chapter, or at any time the superintendent of streets and sanitation shall so order, the person making such excavation shall see that all streets and private properties involved are thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from the excavation work. In the event such cleanup is not effected within twenty-four (24) hours after order by the superintendent of streets and sanitation, it may be done by the city and the cost thereof charged to the excavation permittee. (1998 Code, § 16-211, modified)

16-212. Classification of excavation as emergency. In order to ensure the safety and convenience of the traveling public and whenever the public interest generally shall so require, the city administrator may declare any excavation authorized under provisions of this chapter to be an emergency and

require the excavation permittee to employ sufficient crews and equipment twenty-four (24) hours a day in order to complete the work as soon as possible. (1998 Code, § 16-212, modified)

16-213. Emergency excavations without permit. In the event of any emergency in which a sewer, main, conduit or utility in or under any street in the city breaks, bursts or otherwise is in such condition as to immediately endanger the property, life, health or safety of any individual, the person upon whose premises such emergency occurs shall, without an excavation permit, immediately take such emergency measures as may be necessary to cure or remedy the dangerous conditions for the protection of property, life, health and safety of the public. However, any person taking such emergency action, shall apply for an excavation permit not later than the end of the next succeeding day during which the city administrator's office is open for business, and shall not proceed with permanent repairs without first obtaining an excavation permit under this chapter. (1998 Code, § 16-213, modified)

16-214. Inspections and regulations. The city administrator and superintendent of streets and sanitation shall make such inspections as are reasonably necessary in the enforcement of this chapter. The city administrator shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this chapter.¹ (1998 Code, § 16-214, modified)

16-215. Drawings of subterranean structures and installations to be maintained. Users of subsurface street space in the city shall maintain accurate drawings, plans, and profiles showing the location and character of all underground structures including abandoned installations. Corrected maps shall be filed with the city administrator within sixty (60) days after new installations, changes or replacements are made. (1998 Code, § 16-215, modified)

16-216. Exemption of city from permit requirements and from liability for damages. (1) The provisions of this chapter shall not be applicable to any excavation work under the direction of competent city authorities by employees of the city or by any contractor of the city performing work for and in behalf of the city necessitating openings or excavations in streets.

(2) None of the provisions of this chapter shall be construed as imposing upon the city or any official or employee thereof any liability or responsibility for damages to any persons injured by the performance of any excavation work for which an excavation permit is issued under provisions of

¹Municipal code reference

Superintendent of streets and sanitation: title 1.

this chapter, nor shall the city or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of the issuance of any permit or the inspection and approval of any excavation work under provisions of this chapter. (1998 Code, § 16-216)

16-217. Restrictions on excavations after streets paved or repaved; notice. (1) When a new street or sidewalk in the city is paved or a preexisting street or sidewalk is repaved, no excavations shall be permitted therein for five (5) years after enactment of the ordinance or resolution providing for such paving or repaving.

(2) Any necessary excavation in new streets or sidewalks to be paved or in preexisting streets or sidewalks to be repaved shall be completed not later than forty-five (45) days before such paving or repaving is commenced.

(3) All owners of property abutting on such streets or sidewalks to be paved or repaved and all affected utility companies shall be given sufficient notice to enable them to complete all necessary excavations within the time required. (1998 Code, § 16-217)

CHAPTER 3

DEDICATION AND ACCEPTANCE OF STREETS

SECTION

16-301. Required for street to receive legal status.

16-302. Appearance of street on approved plat; majority vote of council required.

16-303. Construction specifications.

16-301. Required for street to receive legal status. No street, road, or other way, however designated, shall receive the legal status of a public street until dedicated to the city by the owner or owners and accepted by resolution of the city council. (1998 Code, § 16-301)

16-302. Appearance of street on approved plat; majority vote of council required. The council shall not accept any such street unless it appears on a subdivision plat or street plat approved by the Bolivar Municipal-Regional Planning Commission; however, if disapproved by the planning commission, the city council may still accept such street if resolution is passed by a majority vote of the entire membership. (1998 Code, § 16-302)

16-303. Construction specifications. The council will require all new streets, prior to being accepted by the city, to meet the following construction specifications:

(1) Minimum right-of way widths. (a) Minor residential streets, marginal access streets and dead-end streets, fifty feet (50').

(b) Collector streets and commercial-industrial subdivision streets, sixty feet (60').

(2) Minimum pavement widths. (a) Minor residential streets, marginal access streets and dead end streets, twenty-eight feet (28') (face of curb to face of curb).

(b) Collector streets and commercial-industrial subdivision streets, thirty-six feet (36') (face of curb to face of curb).

(3) Roadway improvements. (a) Base: A compacted base course six inches (6") deep and three feet (3') wider than the width of the pavement on each side of the street shall be installed on all streets, including cul-de-sac, temporary turnarounds and access streets to adjoining properties, according to the method specified in Section 303, Standard Specifications for Roads and Bridge Construction, Tennessee Department of Highways and Public Works - January 1, 1968, and latest revisions thereto. Wetting of the stone before compaction may be done at a point of origin or on the job site at the option of the contractor. In all cases the

center line of a roadway shall coincide with the center line of the right-of-way dedicated for such road or street.

After completion of the basic course, the city's public works department shall be contacted to inspect the smoothness and depth of the base course before the prime coat may be applied.

(b) Prime coat: After a thoroughly compacted base has been established, a prime coat shall be applied as specified in section 402, Standard Specifications for Road and Bridge Construction, Tennessee Department of Highways and Public Works - January 1, 1968, the latest revision thereto.

(c) Curbs and gutters: All streets shall provide curbs and gutters as indicated below:

(i) Concrete curbs and integral gutters shall not be less than eighteen inches (18") wide at the base, twelve inches (12") high, six inches (6") across the top of the curb, six inches (6") on the face of the curb, and a seven inch (7") thick gutter. Backfill shall be towards the curb and higher than the curb to ensure drainage of surface water into the drainage system. Where access streets to adjoining properties are provided, curbs and gutters shall be extended to the property line.

(ii) One-half inch to three-fourths inch (1/2" to 3/4") expansion and contraction joints for curbs and gutters shall be placed at intervals not exceeding forty feet (40').

(4) Storm drainage. (a) An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of surface water. Cross drains shall be provided to accommodate all natural water flow, and shall be sufficient length to permit full width roadway and the required slopes. The size openings to be provided shall be determined by Talbot's formula, but in no case shall the pipe be less than fifteen inches (15"). Cross drains shall be built on straight line and grade, and shall be laid on a firm base but not on rock. Pipes shall be laid with the spigot end pointing in the direction of the flow and with the ends fitted and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the roadbed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one foot (1') below the roadbed.

(b) If necessary to determine proper drainage facilities, the planning commission or city engineer may require the developer to outline the entire drainage area of the proposed construction along with a map showing the various streets and parcels and indicating the general flow of the surface water, either by contours or by means of arrows running with the flow. Any existing storm drainage with the size, grade and elevations of the pipes and elevations of the inlets, as nearly as can

be shown. Also, area tributaries to the various proposed inlets shall be outlined and the number of acres contained in each indicated by figures adjacent to the inlet to which they are applicable.

(c) Since curbs and gutters are required, all streets shall provide catch basins at all low points, and at intermediate locations as necessary to prevent overloading of the street gutters, but at least every six hundred feet (600'). Catch basins shall be the curb and gutter inlet type and shall empty into collection mains of adequate size with outfalls leading to existing storm sewers or approved waterways. When easements are required for drainage facilities outside the road right-of-way, the easements shall be at least fifteen feet (15') in width and shall be indicated on the final plat. (1998 Code, § 16-303)

CHAPTER 4

PROPERTY NUMBERING

SECTION

- 16-401. Property numbering required.
- 16-402. Address number to be provided by building inspector.
- 16-403. Noncompliance.
- 16-404. Compliance required within sixty days.
- 16-405. Violations and penalty.

16-401. Property numbering required. It shall be the duty of the owners, occupants or lessees of all dwellings, apartment houses, hotels, commercial establishments, and other buildings to number properties and/or buildings with numerals indicating the building's street address. The numerals shall be not less than four inches (4") in height and so located as to be readily visible from the street in daylight or when a light is shined upon it at night. (1998 Code, § 16-401)

16-402. Address number to be provided by building inspector. The building inspector of the city shall on all building permits for new residences, building structures or places of business, excepting sheds and accessory buildings provide an address number. (1998 Code, § 16-402)

16-403. Noncompliance. If the owner, occupant or lessee of any building shall fail, refuse, or neglect to post the number as required or replace it when necessary the city's building code enforcer shall cause a written notice to be served on such person directing that the number be properly posted or replaced. Any such person not complying with said notice within ten (10) days after receipt thereof shall be deemed to be in violation of this chapter. (1998 Code, § 16-403)

16-404. Compliance required within sixty days. (1) The owners, occupants or lessees shall number said dwellings, apartment houses, hotels, commercial establishments, and other buildings in accordance with the provisions of this chapter within sixty (60) days after passage and publication.

(2) Sixty (60) days after the passage of this chapter all incorrect house numbers shall be removed and the correct number substituted; and it shall be the duty of the building code enforcer to notify the owners or occupants who fail to comply with the provisions of this chapter, and if not corrected within two (2) weeks from such notification the parties shall be deemed to be in violation of this chapter. (1998 Code, § 16-405)

16-405. Violations and penalty. Any person found guilty of violating any of the provisions of this chapter shall, upon conviction thereof, be fined in a sum not to exceed fifty dollars (\$50.00). (1998 Code, § 16-404)