

## TITLE 16

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

#### CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades, etc., regulated.
- 16-111. Operation of trains at crossings regulated.
- 16-112. Animals and vehicles on sidewalks.
- 16-113. Fires in streets, etc.

**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. (1979 Code, § 12-101)

**16-102. Trees projecting over streets, etc., regulated.** It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1979 Code, § 12-102)

**16-103. Trees, etc., obstructing view at intersections prohibited.** It shall be unlawful for any property owner or occupant to have or maintain on

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1979 Code, § 12-103)

**16-104. Projecting signs and awnings, etc., restricted.** Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.<sup>1</sup> (1979 Code, § 12-104)

**16-105. Banners and signs across streets and alleys restricted.** It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the governing body after a finding that no hazard will be created by such banner or sign. (1979 Code, § 12-105)

**16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law. (1979 Code, § 12-106)

**16-107. Littering streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, 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. (1979 Code, § 12-107)

**16-108. Obstruction of drainage ditches.** It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1979 Code, § 12-108)

**16-109. Abutting occupants to keep sidewalks clean, etc.** The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1979 Code, § 12-109)

**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

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<sup>1</sup>Municipal code reference  
Building code: title 12, chapter 1.

securing a permit from the recorder. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to clean up the resulting litter immediately. (1979 Code, § 12-110)

**16-111. Operation of trains at crossings regulated.** No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law; nor shall he make such crossing at a speed in excess of twenty (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. (1979 Code, § 12-111)

**16-112. Animals and vehicles on sidewalks.** It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such 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. (1979 Code, § 12-112)

**16-113. Fires in streets, etc.** It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1979 Code, § 12-113)

## CHAPTER 2

### EXCAVATIONS AND CUTS

#### SECTION

- 16-201. Prior permit required—exception.
- 16-202. Applications for permit.
- 16-203. Approval of application and issuance of permits.
- 16-204. Deposit or bond.
- 16-205. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-206. Insurance.
- 16-207. Time limits.
- 16-208. Supervision.
- 16-209. Driveway curb cuts.
- 16-210. Prosecution and penalty for violation.

**16-201. Prior permit required—exception.** It shall be unlawful for any person, agency, firm, partnership, association, corporation, utility or other entity, whether public or private, to make any cut or excavation in or upon a public street, alley, sidewalk or other public way or to tunnel under any public street, alley, sidewalk or other public way without having first obtained an excavation permit pursuant to § 16-202 of this chapter; provided, however, that the requirement of this section shall not be applicable:

(1) To cuts, excavations or tunnelling necessary to the repair of existing pipes, lines, or other underground facilities in situations of such emergency that the work must proceed immediately; and

(2) By reason of the nature of such emergency it is not reasonable or practicable to obtain a permit before the work is commenced. (Ord. #98-1, March 1998)

**16-202. Applications for permit.** (1) All applications for an excavation permit as required by this chapter shall be made to the city recorder on forms furnished by the city recorder and shall be accompanied by a permit fee of twenty-five (\$25.00) dollars. Each such application shall state and set forth therein the following:

(a) The location at which the cut, excavation or tunnel is to be made;

(b) The purpose for which the cut, excavation or tunnel is to be made;

(c) A narrative description and drawing illustrative of the size, width, length, depth, direction, angle, attitude and other specifications of the proposed cut, excavation or tunnel in relation to both the surface and sub-surface of the public street, alley, sidewalk or other public way upon, in or under which it is to be made;

(d) The date and approximate time that the work for which the application is made shall commence and the date upon which such work will be completed;

(e) The complete name and address of the person, agency, firm, partnership, association, corporation, utility or other entity who shall do the actual work;

(f) The complete name and address of the person, agency, firm, partnership, association, corporation, utility, or other entity for whom the work is to be done;

(g) A statement by applicant of the estimated cost of restoring the work site to the state of its condition as existing immediately before the commencement of any cut, excavation or tunnelling operation for which the application is made;

(h) An agreement signed by the applicant or, as is appropriate, by a duly authorized representative of the applicant, binding the applicant to comply fully with the requirements of this chapter and with the terms and conditions to be set forth in the excavation permit issued upon such application.

(2) In situations of emergence, as provided for in subsections (1) and (2) of § 16-201 of this chapter where it is not reasonable or practicable to obtain a permit before the commencement of a cut, excavation or tunnel in, upon or under a public street, alley, sidewalk or other public way, the person, agency, firm, partnership, association, corporation, utility or other entity by whom any such emergency cut, excavation or tunnelling is commenced, shall thereafter, on the first regular business day after the commencement of such emergency cut, excavation or tunnelling, submit to the city recorder an application for the issuance of an excavation permit in the same form as that provided in this chapter for permit applications made before the commencement of cuts, excavations or tunnelling in non-emergency situations and such application, being so submitted, together with the twenty-five dollars (\$25.00) permit fee shall be deemed to have been submitted as of the date and time that the emergency cut, excavation or tunnelling work was commenced. The new installation of a utility service connection or the new installation or mere extension of existing pipes, lines or other underground facilities shall in no event be considered to be a situation of emergency under the provisions of this chapter. (Ord. #98-1, March 1998)

**16-203. Approval of application and issuance of permit.** (1) All applications for an excavation permit under this chapter shall be referred by the city recorder to the commissioner of public works or his authorized designee. The commissioner of public works or his authorized designee shall:

(a) Examine the application;

(b) Examine the site of the proposed cut, excavation or tunnelling;

(c) Estimate of the cost of restoring the work site in accordance with the requirements of this chapter; and

(d) Approve or reject the application, in writing.

(2) The commissioner of public works or his authorized designee shall have twenty-four (24) hours from the time of the filing of such application with the city recorder, either to approve or reject the application.

(3) If the application is approved by the commissioner of public works or his authorized designee, the city recorder will issue the requested permit upon the applicant posting the security deposit and performance bond as required pursuant to § 16-204 of this chapter. (Ord. #98-1, March 1998)

**16-204. Security deposit, performance bond and restoration of work site.** (1) No excavation permit will be issued by the city recorder until the applicant therefor shall have deposited with the city recorder a cash sum sufficient to cover the costs of restoring the work-site to the state of its existence immediately before the commencement of any cut, excavation or tunnelling operation for which the application is made in the amount of such costs as estimated by the commissioner of public works or his authorized designee pursuant to § 16-203(1)(c) of this chapter. In no event, however, shall the amount of such cash deposit be

(a) Less than one hundred dollars (\$100.00) for cuts, excavations or tunnelling operations in, upon or under a public street, alley, sidewalk or other public way which is not paved;

(b) Less than two hundred dollars (\$200.00) for cuts, excavations or tunnelling operations in, upon or under a public street, alley, sidewalk or other public way the surface of which is an asphalt pavement or seal;

(c) Less than two hundred fifty dollars (\$250.00) for cuts, excavations or tunnelling operations in, upon or under a public street, alley, sidewalk or other public way the surface of which is a concrete pavement.

(2) Immediately following the completion of the work for which the excavation permit is issued, the applicant to whom it was issued, at such applicant's sole costs and expense, shall restore the work-site to the state of its existence immediately before the commencement of such work. Restoration of the work-site shall mean and include the backfilling and compaction of any cut or excavation with appropriate materials as are required and set forth in the written approval of the permit application submitted by the commissioner of public worker or his authorized designee pursuant to § 16-203(1)(d) of this chapter and the resurfacing and compaction of any public street, alley, sidewalk or other public way affected by the cut, excavation or tunneling materials of the same kind and quality as that which covered the surface of such public street, alley, sidewalk or other public way at the time of the commencement of the work for which the application was issued, in a manner such that no noticeable hump,

depression or roughness not characteristic of the worksite prior to the commencement of the work shall remain or thereafter occur in or upon the surface of the street, alley, sidewalk or other public way directly affected by such cut, excavation or tunnelling or within fifteen (15') feet of either side thereof for a period of eight (8) months following the completion of the restoration, during which time the applicant to whom the excavation permit was issued shall be and remain responsible and obligated, at the sole costs and expense of applicant, to make all such other and further repairs necessary to the elimination of any such humps, depressions, or roughness that may occur in or upon the public street, alley, sidewalk or other public way directly affected by any such cut, excavation or tunnelling and is a result thereof.

(3) The cash deposit required of the applicant to whom an excavation permit is issued pursuant to subsection (1) of this section shall be held by the city recorder as security for the applicant's satisfactory performance of the restoration work required under subsection (2) of this section for a period of eight (8) months.

(4) To the extent that the estimated cost of restoring the work site shall exceed the minimum cash security deposit requirements provided under subsection(1) of this section, the city recorder may accept from the applicant, in lieu of a cash deposit for such excess estimated costs, a surety bond conditioned upon the applicant's restoration of the work site as is required under and pursuant to subsection (2) of this section. In no event, however, shall the minimum cash deposit requirement be waived or a surety bond be accepted in lieu thereof, and such minimum cash deposit shall be required in every circumstance.

(5) After the lapse of eight (8) months and upon applicant's satisfactory completion of the required work site restoration as such shall be determined and approved in writing by the commissioner of public works or his authorized designee, the city recorder will refund the cash security deposit to applicant and, as the case may be, shall release the sureties on applicant's bond.

(6) If applicant shall not satisfactorily complete the required work site restoration to the satisfaction of the commissioner of public works or his authorized designee, or if the applicant shall delay unreasonably in completing the required work site restoration, the municipality may undertake to effect the completion of such restoration by or through such other means, persons, firms or entities as the board of mayor and aldermen shall deem appropriate under the circumstances and the city recorder shall deduct from the applicant's cash security deposit, the costs incurred by the municipality in so doing and shall charge the balance of any such remaining cost of restoration, if any, to the applicant and to the sureties on applicant's bond for the recovery of which by the municipality against the applicant and the sureties on applicant's bond an action will lie either in the General Sessions, Circuit or Chancery Court of Campbell County, Tennessee.

(7) It is contemplated by this chapter that restoration of the work site will proceed, without delay or interruption, immediately following the completion of work for which the excavation permit was issued and that any delay in the progress of such restoration thereafter, except for inclement weather or other such cause which shall be approved and permitted in writing by the commissioner of public works or his duly authorized designee, shall be deemed to be an unreasonable delay. (Ord. #98-1, March 1998)

**16-205. Manner of excavating–barricades and lights–temporary sidewalks.** 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. (1979 Code, § 12-205)

**16-206. 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 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. (1979 Code, § 12-207)

**16-207. 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 municipality if the municipality 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 recorder. (1979 Code, § 12-208)

**16-208. Supervision.** The recorder 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 municipality 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. (1979 Code, § 12-209)

**16-209. Driveway curb cuts.** No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the recorder. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1979 Code, § 12-210)

**16-210. Prosecution and penalty for violation.** Any person, agency, firm partnership, association, corporation, utility or other entity guilty of a violation of this chapter or of violating the terms and conditions of an excavation permit issued pursuant hereto shall, on conviction thereof, be fined not less than fifty dollars (\$50.00) nor more than fifty dollars (\$50.00) for each such violation together with the costs of prosecution, and each day of the continuance of a violation shall be held to constitute a separate violation for which a separate fine shall be imposed. Prosecutions for the violation of this chapter shall be brought before the Caryville City Court by citation issued by the city recorder or by the city judge upon the oath or affirmation of the commissioner of public works or upon the oath or affirmation of the commissioner's duly authorized designee, whose designation as such shall be approved by resolution of the board of mayor and aldermen. (Ord. #98-1, March 1998)