

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.
- 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.
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- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades regulated.
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- 16-112. Animals and vehicles on sidewalks.
- 16-113. Fires in streets, etc.
- 16-114. Placement of 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. (1983 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 or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1983 Code, § 12-102)

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

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, 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. (1983 Code, § 12-103)

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.¹ (1983 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 city council. (1983 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. (1983 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. (1983 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. (1983 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. (1983 Code, § 12-109)

16-110. Parades regulated. It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder. No permit shall be issued by the recorder

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

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. (1983 Code, § 12-110)

16-111. Operation of trains at crossings regulated. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law. It shall also be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (1983 Code, § 12-111, modified)

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 to 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. (1983 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. (1983 Code, § 12-113)

16-114. Placement of 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 Dyer 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. #2004-140, July 2004)

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, 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 recorder is open for business, and said permit shall be retroactive to the date when the work was begun. (1983 Code, § 12-201)

16-202. Applications. Applications for such permits shall be made to the 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 to the work to be done. Such application shall be rejected or approved by the

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).

recorder or other designated person within twenty-four (24) hours of its filing. (1983 Code, § 12-202)

16-203. Fee. The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents (\$.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (1983 Code, § 12-203)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of twenty-five dollars (\$25.00) if no pavement is involved or seventy-five dollars (\$75.00) 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 city engineer 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 city of relaying the surface of the ground or pavement, and of making the refill if this is done by the city 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 recorder a surety bond in such form and amount as the city engineer shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1983 Code, § 12-204)

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. (1983 Code, § 12-205)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this city shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the city, but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the 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 city will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1983 Code, § 12-206)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the 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. (1983 Code, § 12-207)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the city if the city restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the recorder. (1983 Code, § 12-208)

16-209. Supervision. The city engineer shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the city and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1983 Code, § 12-209)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the city engineer. 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. (1983 Code, § 12-210)

CHAPTER 3

UNIFORM SYSTEM FOR DESIGNATING BUILDINGS AND STREETS

SECTION

- 16-301. System authorized.
- 16-302. Designation of base line and directions.
- 16-303. Method of numbering buildings.
- 16-304. Directional designation of streets, avenues, etc.
- 16-305. Numbering of buildings, houses, etc., is required.
- 16-306. Plat book of streets, avenues, etc., must be maintained.
- 16-307. Duty of street superintendent.
- 16-308. New houses, buildings, etc.
- 16-309. Subdivision plats.
- 16-310. Names may be changed by resolution.
- 16-311. Plan for effecting system.
- 16-312. Effective date of system.

16-301. System authorized. There is hereby established a uniform system for numbering buildings fronting on all streets, avenues, and public ways in the City of Dyer, and all houses and other buildings shall be numbered in accordance with the provisions of this chapter. (1983 Code, § 11-201)

16-302. Designation of base line and directions. College Street shall constitute the base line which will divide the city into northern and southern parts. Hereafter all streets north of this base line and running generally in a northerly-southerly direction shall be considered "North" streets, and likewise all streets south of this base line and running generally in a northerly-southerly direction shall be considered "South" streets. Main Street shall be considered the base line which divides the city into east and west parts. Hereafter streets east of this base line and running in a generally easterly-westerly direction shall be considered "East" streets and likewise streets west of Main Street and running in a generally easterly-westerly direction shall be considered "West" streets.

(1) Each building north of College Street and facing a street running in a northerly direction shall carry a number and address indicating its location north of said base streets.

(2) Each building south of the north-south base line and facing a street running in a southerly direction shall carry a number and address indicating its location south of said base streets.

(3) Each building east of Main Street, and facing a street running in an easterly direction shall carry a number and address indicating its location east of said base street.

(4) Each building west of Main Street, and facing a street running in a westerly direction shall carry a number and address indicating its location west of said base street.

(5) All buildings on diagonal streets shall be numbered the same as buildings on northerly and southerly streets if the diagonal runs more from the north to the south, and the same rule shall apply on easterly and westerly streets if the diagonal runs more from the east to the west. (1983 Code, § 11-202)

16-303. Method of numbering buildings. The numbering of buildings on each street shall begin at the base line. All numbers shall be assigned on the basis of one number for each 25 feet of frontage along the street. Grid lines, as shown on the property numbering map, indicate the point at which numbers will change from a hundred to the next higher hundred. All buildings on the south of east-west streets and east of north-south streets shall bear odd numbers and likewise all buildings on the north side of east-west streets and west of north-south streets shall bear even numbers.

(1) Where any building has more than one entrance serving separate occupants, a separate number shall be assigned to each entrance serving an occupant.

(2) The building shall be assigned the number of the 25-foot interval in which the main entrance of the building falls. In measuring the 25-foot intervals of street frontage, if main entrance of the building falls exactly upon the line which divides a 25-foot interval from the next higher interval, either the number of the lower interval or the number of the next higher interval will be assigned to that entrance.

(3) A multiple family dwelling having only one entrance shall be assigned only one number, and separate apartments in the building will carry a letter designation such as A, B, C, in addition to the number assigned to the main entrance of the building.

(4) The duplex houses having 2 front entrances shall have a separate number for each entrance. In the event that both entrances fall within the same increment, either the preceding number or next highest number shall be used for one entrance number, and the interval number in which the entrances fall shall be used for the other entrance.

(5) All buildings facing streets not extending through to the base line shall be assigned the same relative numbers as if the said street had extended to the said base line. (1983 Code, § 11-203)

16-304. Directional designation of streets, avenues, etc. In addition to the numbers placed on each house or other building as heretofore provided, all streets, avenues, and other public ways within the city are hereby given the following directional designation.

- (1) All streets north of College Street and running in a generally northerly direction are given the direction North as part of the street name.
- (2) All streets south of College Street and running in a generally southerly direction are given the direction South as part of the street name.
- (3) All streets east of Main Street and running in an easterly direction are given the direction East as part of the street name.
- (4) All streets west of Main Street and running in a westerly direction are given the direction West as part of the street name. (1983 Code, § 11-204)

16-305. Numbering of buildings, houses, etc., is required. The mayor and city council shall cause the necessary survey to be made and completed within six (6) months from the date of adoption of this chapter and thereafter there shall be assigned to each house and other residential or commercial building located on any street, avenue, or public way in said city, its respective number under the uniform system provided for in this chapter according to said survey. When the said survey shall have been completed and each house or building has been assigned its respective number or numbers, the owner, occupant, or agent shall place or cause to be placed upon each house or building controlled by him the number or numbers assigned under the uniform system as provided in this chapter.

(1) Such numbers shall be placed on existing buildings on or before the effective date of this chapter and within twenty (20) days after the assigning of the proper number in case of numbers assigned after the effective date of this chapter. The cost of the numbers shall be paid for by the property owner and numbers affixed to property at the price of seventy-five (75) cents the cost of such units to the city. The numbers used shall not be less than three (3) inches in height and shall be made of durable and clearly visible material.

(2) The numbers shall be conspicuously placed immediately above, on, or at the side of the proper door of each building so that the number can be seen plainly from the street line. Whenever any building is situated more than seventy-five (75) feet from the street line, the numbers shall be placed near the walk, driveway, or common entrance to such building upon a gate post, fence, tree post, or other appropriate place so as to be easily discernible from the sidewalk. (1983 Code, § 11-205)

16-306. Plat book of streets, avenues, etc., must be maintained. For the purpose of facilitating a correct numbering, a plat book of all streets, avenues, and public ways within the city showing the proper numbers of all houses or other buildings fronting upon all streets, avenues, or public ways shall be kept on file in the office of the city superintendent of streets. These plats shall be open to inspection of all persons during the office hours of the superintendent. Duplicate copies of such plats shall be furnished to the engineer and building inspector by the superintendent of streets. (1983 Code, § 11-206)

16-307. Duty of street superintendent. It shall be the duty of the city superintendent of streets to inform any party applying therefor of the number or numbers belonging to or embraced within the limits of any said lot or property as provided in this chapter. In case of conflict as to the proper number to be assigned to any building, the said superintendent shall determine the number of such building. (1983 Code, § 11-207)

16-308. New houses, buildings, etc. Whenever any house, building, or structure shall be erected or located in the City of Dyer after the establishment of a uniform system of house and building numbering has been completed, in order to preserve the continuity and uniformity of numbers of the houses, buildings, and structures, it shall be the duty of the owner to procure the correct number or numbers as designated from the city superintendent of streets for the said property and immediately to fasten the said number or numbers so assigned upon said building as provided by this chapter. No building permit shall be issued for any house, building, or structure until the owner has procured from the superintendent of streets the official number of the premises. Final approval of any structure erected, repaired, altered, or modified after the effective date of this chapter shall be withheld by the city building inspector until permanent and property numbers have been affixed to said structure. (1983 Code, § 11-208)

16-309. Subdivision plats. Every subdivision plat submitted to the planning commission for their approval after the effective date of this chapter shall show the proper names of any and all streets, and these street designations shall be approved by the planning commission before such new streets are officially named. (1983 Code, § 11-209)

16-310. Names may be changed by resolution. The city council by resolution may change, rename, or name an existing or newly established street within the limits of said city at any time after the adoption of this chapter upon recommendation of the planning commission and after consultation with the county court or county planning commission, if any, and any other governmental agency directly affected thereby. (1983 Code, § 11-210)

16-311. Plan for effecting system. For the purpose of clarifying and systematizing the present street naming pattern in the City of Dyer and to implement the application of the matters set forth in previous sections, there is hereby adopted the following plan.

(1) The planning commission of said city is hereby authorized to prepare and present to the mayor and city council a complete plan for the naming of all streets, avenues, and public ways within said city.

(2) Said planning commission shall follow the general plan set forth in previous sections and such other rules as are herein set forth.

(3) If said commission shall find an existing street now carrying more than one name, it shall recommend that said street shall bear the name under which it currently travels the longest distance both inside and outside the city limits of said city unless circumstances indicate that another and different name would be desirable. Said commission, if it sees fit, may hold public hearings at which interested property owners may express their views concerning the changing of the name or names of any street. (1983 Code, § 11-211)

16-312. Effective date of system. This chapter and all house and building numbers assigned under the provisions hereof shall become effective six months from the date the city council shall by resolution accept and ratify the recommendations made by the planning commission, and shall determine that the superintendent of streets has completed the survey required by this chapter. (1983 Code, § 11-212)

CHAPTER 4

DYER MUNICIPAL REGIONAL SUBDIVISION REGULATIONS

SECTION

16-401. Subdivision regulations to be governed by planning commission.

16-401. Subdivision regulations to be governed by planning commission.
The Subdivision Regulations are governed by the Dyer Regional Planning Commission with a copy of these regulations available in the Dyer city hall.