

**TITLE 16****STREETS AND SIDEWALKS, ETC.****CHAPTER**

1. STREET NAMES.
2. GENERAL REGULATIONS.
3. SIDEWALK MAINTENANCE AND RECONSTRUCTION.
4. CURB CUTS.
5. EXCAVATIONS.
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**CHAPTER 1****STREET NAMES****SECTION**

- 16-101. Street names--official map.  
16-102. Change of street names.  
16-103. New streets.

**16-101. Street names--official map.** There is hereby established an official system of street names in the city as shown on the map entitled "Street Name Map," dated 25 March, 1952, which is incorporated by reference in this chapter as is fully set out herein. (1995 Code, § 16-101)

**16-102. Change of street names.** Names of streets in the city shall remain as shown on this map unless officially changed by specific ordinance passed subsequent to this date. (1995 Code, § 16-102)

**16-103. New streets.** No new street shall be accepted by the city nor municipal improvements made therein until such streets have been named; if they are extensions of existing streets, the existing names shall be continued, and if not extensions, names recorded shall not duplicate or closely approximate street names already assigned. (1995 Code, § 16-103)

## CHAPTER 2

### GENERAL REGULATIONS<sup>1</sup>

#### SECTION

16-201. Blocking or obstructing streets, etc. prohibited.

16-202. Building materials not to obstruct streets and sidewalk; exception.

16-203. Decorative projections restricted.

16-204. Obstruction of drainage ditches.

**16-201. Blocking or obstructing streets, etc., prohibited.** No person shall obstruct or block any city alley, sidewalk, walkway, street, parkway or other public property, or permit same to be obstructed, by placing thereon any merchandise, refuse, fixtures, obstructions, crates, packing or any other object or substance.

However, persons engaged in unloading trucks or vans may obstruct such premises for the purpose of unloading but only for such time as absolutely necessary and reasonable for such unloading and all such obstructions shall be forthwith removed from such public property. (1995 Code, § 16-201)

**16-202. Building materials not to obstruct streets and sidewalk; exception.** It is unlawful for any person to place or pile in the streets or on the sidewalks any building material, such as lumber, brick, stone, plaster, cement or other obstruction, except when a permit to do so has been obtained from the building inspector.

Such permit may be issued only in connection with the construction, remodeling or repair of a building or other structure only when the building site does not reasonably permit the storage of building materials and no other alternative storage site is reasonably available.

However, no materials or other obstruction shall be so placed in the streets as to obstruct the sidewalks or the gutter and waterways adjacent to and adjoining sidewalks. All materials so placed or piled in the streets shall be surrounded by temporary walls, constructed in such way as to protect pedestrians and vehicles from any and all danger on account thereof, such walls to be erected in a manner satisfactory to the building inspector. A red warning light must be placed on these walls at night in a conspicuous place by the party in charge of the materials. No material shall be piled so as to occupy more than

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<sup>1</sup>Municipal code references

Signs projecting over streets and other public rights-of-way: title 14, chapter 4.

Trees obstructing intersections, etc.: § 2-309.

Trees projecting over streets, into powerlines, etc.: § 2-309.

one-fourth (1/4) of the right-of-way of any street, measuring from the outer edge of the sidewalk on the side of the street on which the material is placed. No material shall remain in the street for a longer time than is necessary to complete the work and in no case for more than twenty (20) days, and the permit shall so state; provided, however, that the permit may be extended, if necessary, in order to complete the work for which the material is being used. (1995 Code, § 16-202)

**16-203. Decorative projections restricted.** (1) Cornices, belt courses, sills, pilasters, water tables or any decorative features may project over public property within the Central Business District as indicated on the official zoning map of the City of Jackson after approval of the director of city planning. The city planner shall give prime consideration to the following factors:

(a) The projection should not create a hazard either to pedestrian or vehicular traffic by location or construction. The projection shall not interfere with the free flow of traffic, either pedestrian or vehicular.

(b) The projection shall be compatible with the exterior architectural features of the rest of the structure and to the surrounding area.

(c) Any other factor, including aesthetics, which it deems to be pertinent.

(2) Jurisdiction of the above projections shall be placed in the director of city planning. Anyone who may be aggrieved by any final order or judgment of the city planner may have the order or judgment reviewed by the City Council of the City of Jackson.

(3) Containers of approved material and construction shall not exceed forty-eight inches (48") by forty-eight inches (48") or forty-eight inches (48") diameter within the Central Business District as indicated on the official zoning map of the City of Jackson upon approval of the director of city planning. The city planner shall give prime consideration to the following factors:

(a) The projection should not create a hazard either to pedestrian or vehicular traffic by location or construction. The projection shall not interfere with the free flow of traffic, either pedestrian or vehicular.

(b) The projection shall be compatible with the exterior architectural features of the rest of the structure and to the surrounding area.

(c) Any other factor, including aesthetics, which he deems to be pertinent.

(4) Jurisdiction of the above shall be placed in the director of city planning. Anyone who may be aggrieved by any final order of judgment of the city planner may have said order or judgment reviewed by the City Council of the City of Jackson.

(5) The director of city planning may set up the procedures to be followed by an applicant in obtaining approval for such structures and should especially consider the relationship of the particular structure to the area as a whole. (1995 Code, § 16-203)

**16-204. Obstruction of drainage ditches.** It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch or gutter in any public right of way. (1995 Code, § 16-204)

## CHAPTER 3

### SIDEWALK MAINTENANCE AND RECONSTRUCTION

#### SECTION

16-301. Maintenance of sidewalks is duty of abutting property owner.

16-302. Procedure for maintenance.

16-303. Notice to land owner.

**16-301. Maintenance of sidewalks is duty of abutting property owner.** Maintenance of sidewalks is the duty of the abutting property owner. The city engineer shall make periodic inspections of all sidewalks in the city and whenever he determines that repairs or reconstruction is necessary, he shall notify the abutting property holder in writing as prescribed below. (1995 Code, § 16-301)

**16-302. Procedure for maintenance.** (1) It shall be the duty of the abutting property owner to provide all material required for sidewalk repair or reconstruction.

(2) When the property owner receives notice from the city engineer that the sidewalks require maintenance, he shall contact the engineer to determine the amount and type of material required.

(3) The city engineer shall provide this information and shall set a date when the repairs are to be made.

(4) The city shall provide the necessary labor to make all necessary repairs or reconstruction. (1995 Code, § 16-302)

**16-303. Notice to land owner.** (1) The notice required in § 16-301 shall notify the property owner that repairs are necessary to the sidewalk abutting his property. The notice shall state that if the property owner has not made definite arrangements with the city engineer within twenty (20) days of the date of the notice, the city shall make the necessary repairs, the entire cost of which shall constitute a levy on the described property.

(2) This notice shall be posted by first class mail to the last known address of the property owner of the described property.

(3) The city is hereby granted the authority to levy on property for the cost of sidewalk repairs where the owner of such property fails to provide materials for the repairs in the manner required by this chapter. (1995 Code, § 16-303)

## CHAPTER 4

### CURB CUTS

#### SECTION

- 16-401. Definitions.
- 16-402. Permit.
- 16-403. Specifications.
- 16-404. Approval of city engineer required.
- 16-405. Variances.

**16-401. Definitions.** For the purpose of this chapter, the following definitions shall apply to these words.

(1) "Driveway." A place on private property for the operation of automobile and other vehicles.

(2) "Driveway approach." Any area, construction, or facility between the roadway of a public street and private property intended to provide access for vehicles from the roadway of a public street to something definite on private property, such as a parking area, a driveway, or a door at least seven feet (7') wide intended and used for the entrance of vehicles into a building.

(3) "Outside sidewalk line." A line parallel to the property line lying along the edge of the sidewalk nearest the street roadway or curb, or where no sidewalk exists, a line in the street right-of-way parallel to and five feet (5') from the line of the private property.

(4) "Corner." The point of intersection of the property line nearest right-of-way paralleling the streets which intersect.

(5) "Curb raised safety zone." A length of curb equal to eight feet (8') for the protection of pedestrians.

(6) "Parcel of land." A lot, or lots, of a tract officially registered under one ownership.

(7) "Curb return." That portion of a curb next to a driveway approach which includes the radius or curvature, or the ramp-type lug on commercial or industrial type pavements and which connects the driveway approach to the street curb. (1995 Code, § 16-401)

**16-402. Permit.** (1) It is unlawful for any person to break, repair, alter, construct, or extend any curb along a street or alley or any driveway approach without first obtaining a permit therefor from the city engineer.

(2) Any person desiring to make any cut or change in any curb or driveway approach shall first submit an application to the city engineer, on forms provided by the city, stating the location of the cut or change desired to be made, the type of installation on private property to be served by the driveway approach together with such plans and specifications as may be necessary to clearly indicate to the city engineer the nature of the work to be

performed. This application shall be accompanied by a permit fee issued on the following table:

<u>Width of Driveway Approach</u>	<u>Permit Fee</u>
Twelve feet (12') or less	\$5.00
For each additional ten feet (10') or portion thereof	\$1.00

(3) The requirements of this chapter shall be subject to limitations established by the State Highway Department's control over state routes. (1995 Code, § 16-402)

**16-403. Specifications.** Any alteration or change or new construction to any curb in the city or of any driveway approach shall conform to the following specifications:

(1) Width and location of driveway approach. No driveway approach shall exceed seventy feet (70') in width as measured along the outside sidewalk line. Where more than one (1) driveway approach on a street front serves a single parcel of land, there shall be at least one (1) curb-raised safety zone at least eight feet (8') in length between driveway approaches. The sides, edges or curbs of driveway approaches shall be at right angles to the street curb.

(2) Driveway approach at street intersections. No portion of a driveway approach shall be constructed within fifteen feet (15') of the property lines extended at intersecting streets.

(3) Distance between curb return of a driveway approach and interior property line. No portion of a curb return shall be less than two feet (2') away from the property line not located at an intersection.

(4) A curb return radius for driveways. The radius of curvature of the curb return shall not exceed the distance between the curb and the outside sidewalk line.

(5) Street structures. No driveway approach shall interfere with municipal facilities such as street-lighting poles, traffic signal standards, signs, catch basins, hydrants, crosswalks, bus-loading zones, utility poles, underground pipe or ducts or other necessary street structures and the city engineer is authorized to order and effect the removal or construction of any driveway approach which now conflicts with street structures. The cost of removing or reconstructing or relocating such driveway approaches shall be at the expense of the abutting property owners. (1995 Code, § 16-403)

**16-404. Approval of city engineer required.** Any plan submitted to the city building inspector for a residential or commercial building permit, which includes or involves curb or driveway approach problems, shall be referred to the city engineer for approval and issuance of permit under this chapter before a building permit is issued. The city engineer shall establish the size of culvert to

be inserted under any driveway prior to issuance of the permit. (1995 Code, § 16-404)

**16-405. Variances.** The city engineer is hereby authorized to grant in writing variances from the strict application of the provisions of this chapter provided he first determines that the following conditions are present:

(1) The exception or variance desired arises from peculiar physical conditions not ordinarily existing in similar districts in the city or is due to the nature of the business or operation on the abutting property.

(2) That the exception or variance desired is not against the public safety and convenience.

(3) That the granting of the permit for the exception or variance will not adversely affect the rights of adjacent property owners or tenants. (1995 Code, § 16-405)



**CHAPTER 5**

**EXCAVATIONS**

**SECTION**

- 16-501. Permit required.
- 16-502. Restoration of streets.
- 16-503. Safety precautions.

**16-501. Permit required.** (1) It is unlawful for any person to make an opening in any city street, sidewalk, alley or public way or to disturb in any way the surface or sub-surface, including boring of any city street, sidewalk, alley, or public way without having first received a permit therefor from the city engineer, except as provided hereafter in case of emergency.

(2) Such permit shall be issued by the city engineer upon the receipt of a written application filed by the applicant on forms provided by the city. At the time of application the applicant shall pay a permit fee as follows:

For an opening of five square feet (5') or less:	Twenty-five dollars (\$25.00).
For an opening exceeding five square feet (5'):	Two dollars (\$2.00) for each additional square foot.
Subsurface boring shall be:	Two dollars (\$2.00) per square foot (diameter x length of boring).

(3) Separate permits will be required where there are multiple openings, or where one continuous opening exceeds one (1) block in length, including intersection.

(4) In addition to the permit fee the applicant shall pay the city for the restoration of the streets.

(5) Except in emergency situations, described below, the cost of the permit and restoration cost may be doubled if work begins prior to obtaining a permit.

(6) The application and permit shall give the location and dimension of the proposed opening, the purpose for which the opening is to be made, the kind of pavement or surface to be opened and the approximate date that the opening will be tamped and the surface temporarily restored.

(7) The city engineer may limit the time that the cut may be open, giving due regard to the size of the opening and the nature of work to be performed. If the work is not completed within the time designated on the permit, the permit may be canceled.

(8) If canceled, a cancellation charge of ten dollars (\$10.00) plus any accrued restoration charge by the city shall be paid by the permittee. Before the

work can proceed a new permit must be secured under the same procedure as required in starting a new excavation.

(9) All applications for mains, conduits, manholes and other subsurface structures including street borings should be accompanied by a plan and typical cross section showing as nearly as possible from records the location of existing underground structures and the location of the proposed structures. Plans shall be submitted in duplicate. The issuance of a permit will be based on the approved plans and no work, which deviates from the approved plan, shall be performed unless and until an approval of the change of plan has been secured from the city engineer.

(10) In the event of a leak in a gas main or break in an electric duct, or failure in communication line or cable, or other serious accident, which requires immediate action for the protection of the public safety or convenience, an opening may be made to correct same without obtaining a permit prior to beginning work, but a permit number shall be obtained from the City of Jackson Engineering Department office during normal business hours on the following business day and the full permit shall be obtained within five (5) working days thereafter. Failure to comply may subject the permittee to the penalty provisions. (Ord. #2000-041, Oct. 2000)

**16-502. Restoration of streets.** (1) In addition to the fee, which shall accompany the application, the applicant shall pay to the City of Jackson for the restoration of the city streets.

(2) The permittee must temporarily backfill with material removed from the excavation and tamp to a density of ninety-five percent (95%) as measured by the Standard Proctor method to the level of the subgrade. If material removed from the excavation is unsuitable for compaction, it shall be removed from the site and chert or crushed limestone used to the level of the subgrade. The base shall be of the same material and shall be replaced to the same depth as existing but not less than six inches (6") in depth.

(3) The City of Jackson will remove the temporary repairs to the depth and extent necessary and will make final restoration by contract or with city maintenance personnel to the established standards and the permittee will be billed for actual cost of repairs.

(4) The permittee shall make complete restoration of all cuts in unimproved (gravel) and in concrete sidewalks. Concrete sidewalks shall be repaired with the same materials and finished with the same appearance as the original sidewalk. (Ord. #2000-041, Oct. 2000)

**16-503. Safety precautions.** (1) The permittee shall carry on the work authorized by the permit in such manner as to cause minimum of interference with traffic. He shall provide adequate warning signs and devices to warn and guide traffic, and shall place the signs and warning devices in a position of maximum effectiveness in accordance with the Manual on Uniform Traffic

Control Devices. No road or street shall be closed to through traffic during repairs unless approval has been received from the city engineer.

(2) Where the city engineer or permittee determines that difficult or potentially hazardous conditions exist, a competent flagman shall be provided to effect a safe and orderly movement of traffic. Where insufficient traffic lanes exist because of street openings, adequate bridging shall be supplied by the permittee. When traffic congestion occurs in spite of all precautions, the permittee shall be responsible for requesting police assistance and permittee shall pay for such police assistance at rates determined by the city council.

(3) On main thoroughfares and in congested districts, sufficient traffic lanes shall be kept open at all times to permit substantial normal traffic flow, except when emergency conditions require otherwise. Unless this can be accomplished, work shall be done only during the period between 9:00 A.M. and 4:00 P.M., or between midnight and 7:00 A.M. as the city engineer may designate.

(4) In the case of emergency occurring in any important thoroughfare, the permittee shall notify the police and the fire department immediately. (Ord. #2000-041, Oct. 2000)

## CHAPTER 6

### DRAINAGE DITCHES

#### SECTION

16-601. Deposits prohibited in drainage ditches.

16-602. Responsibility of persons owning property adjacent to drainage ditch.

16-603. Declared public nuisance.

16-604. Erosion, etc., of property by waters flowing within drainage ditch.

**16-601. Deposits prohibited in drainage ditches.** It shall be unlawful to drop, dump, throw, deposit, or otherwise place in natural surface water drainage ditches within the City of Jackson any residue, trash, junk equipment, industrial residue or other substance. (1995 Code, § 16-601)

**16-602. Responsibility of persons owning property adjacent to drainage ditch.** No person, firm or corporation owning property adjacent to a natural drainage ditch carrying surface water within the City of Jackson shall suffer, condone or permit others to use their property for the purpose of dropping, dumping, depositing, throwing, or otherwise placing any residue, trash, junk equipment, industrial residue or other substance in such drainage ditches. (1995 Code, § 16-602)

**16-603. Declared public nuisance.** Dropping, dumping, depositing, throwing or otherwise placing any residue, trash, junk equipment, industrial residue or other substance in natural drainage ditches carrying surface water within the City of Jackson is hereby declared to be a public nuisance, dangerous to the health and welfare of the citizens of the City of Jackson. (1995 Code, § 16-603)

**16-604. Erosion, etc., of property by waters flowing within drainage ditch.** Notwithstanding the provisions of this chapter any owner of property which is located adjacent to any such drainage ditch within the City of Jackson, whose property is being eroded, caved, or washed by the waters flowing within such drainage ditch, may take protective measures to prevent such eroding, caving, or washing provided, however, that such property owner shall first submit, in writing, to the City Engineer of the City of Jackson a detailed plan and drawing showing the protective measures desired to be taken and shall have obtained the approval of the city engineer, in writing, before any such protective measures be undertaken. (1995 Code, § 16-604)