

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. STREETLIGHTS.

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 regulated.
- 16-111. Animals and vehicles on sidewalks.
- 16-112. 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.

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 or sidewalk. (as replaced by Ord. #2012211, Sept. 2012)

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

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

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

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.¹

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the board of mayor and aldermen.

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 statute.

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. (Ord. of Aug. 7, 1939)

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. (Ord. of July 7, 1955)

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

16-110. Parades regulated. (1) Definitions. For purposes of this section, a parade is defined as any organized public procession on a street or roadway for the purpose of celebrating an event or occurrence or for the purpose of public demonstration. A funeral procession does not constitute a parade for purposes of this section.

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

(2) Parade application procedure. All individuals, groups, or entities, "applicant," that propose to conduct a parade upon any street within the city limits of the City of Lexington shall comply with the following procedures:

(a) The application shall be submitted to city hall no less than thirty (30) calendar days or more than sixty (60) calendar days prior to the date and time of the commencement of the parade.

(b) The police chief, fire chief and mayor will review and approve or deny all parade applications. Approval shall be by unanimous agreement only. If approved, the application will be forwarded to the city recorder's office for issuance of a permit.

(c) It shall be a civil offense for an individual, group or entity to knowingly organize, engage in, participate in, aid or commence a parade upon any street of the city without making written application for and receiving a parade permit and complying with this section.

(d) No parade permit shall be required for the following:

(i) The armed forces of the United States of America, the military forces of the state and the forces of the police and fire departments acting within the scope of their duties.

(ii) Funeral processions proceeding by vehicle by the most reasonable route from a funeral home, church or residence of a deceased to the place of service or place of interment.

(iii) Sidewalk processions which observe and comply with traffic regulations and traffic control devices, utilizing that portion of a sidewalk nearest the street, but at no time more than one-half (1/2) of the sidewalk.

(iv) Annual parades sponsored by the city including the Christmas Parade and the Veterans Day Parade

(e) Candy, gum, beads, paper or any other article(s) shall not be thrown from any type of vehicle or by any participant during a parade. This shall include, but not be limited to, persons on horseback. Entrants who wish to disburse candy shall provide volunteers to walk along the perimeter distributing their candies and keeping spectators at a safe distance.

The only exception to this shall be that the official "santa clause" as designated by the City of Lexington for the annual city christmas parade shall be permitted to disburse/throw candy.

(f) Parade participants, spectators, and the public are prohibited from disembarking from or attempting to board a moving vehicle during a parade.

(g) The maximum number of entries per business and/or organization shall be limited to twelve (12).

(h) All parade entrants shall be decorated as specified by the parade coordinator to correspond with the parade theme. Vehicles of

government entities and those of government officials shall not be subject to this requirement.

(3) Application requirements. (a) The application shall contain the following information and shall be signed by the applicant:

(i) The name, address and telephone number of the applicant and of any other persons, organizations, firms or corporations on whose behalf the application is made.

(ii) The name of the parade coordinator.

(iii) Date requested for the parade and the proposed schedule of start and stop times,

(iv) The specific route (include a map) to be traveled including city, county, highway numbers, and physical location, and the starting and termination points.

(v) A brief description of the proposed activities, including the proposed placement of event staff and equipment on the right-of-way.

(vi) An original certification of insurance.

(vii) Staging areas for the start of the parade and disassembly areas at the termination point must be designated and fully described. Applicant must sign a statement that all staging and disassembly areas on private or public property have been approved by the owner/management of the property. The name, address and phone numbers for the owner/manager authorizing the use of property must be included in the application, including without limitation public rights-of-way and property operated by the town, if applicable.

(viii) The estimated number of persons to participate in the parade. Marching units or organizations shall require an individual count for each member. The total number of people shall be included.

(ix) The estimated number, if any, of animals without riders, animals with riders, animal-drawn vehicles, floats, motor vehicles, motorized displays.

(x) A signed statement ensuring that each marching unit or organization will only be allowed to conduct a maximum of four (4) stationary performances at a specified and approved location during the parade route. The marching unit or organization shall then continuously march along all other portions of the parade route

(xi) A signed statement that sponsors will ensure that assembly and disassembly of the parade will be directed and orderly so as not to block or interfere with traffic flow.

(xii) A signed statement ensuring that the applicant will be responsible for the ground maintenance of the assembly and disassembly

areas that occur in public rights-of-way including with out limitation cleaning and removal of animal droppings.

(b) A signed statement ensuring that the applicant understands the following:

(i) Horse units. Horse units may be permitted under the following conditions:

(A) All horses must be under control at all times.

(B) Riders may not consume intoxicating beverages immediately before or during the parade.

(C) There must be an individual unit following horse formation to clean up the debris from the horses on the parade route.

(D) Each horse must be identified by a responsible person.

(ii) Motorized units. All motorized units shall not exceed ten (10) miles per hour while on the parade route. No motorized units shall be driven in a reckless manner. All units shall use only one lane of the street and shall not cross from lane to lane. The police chief may establish other conditions as deemed appropriate.

(iii) Intoxicating beverages. There shall be no open display or consumption of intoxicating beverages on or in floats or units. No person operating a motor vehicle within the parade shall consume intoxicating beverages during the parade or at any time two hours prior to the parade, or be under the influence of alcohol or a controlled substance at any time during the parade.

(iv) Obscene and vulgar displays. No floats or units shall include any vulgar or obscene act, contain vulgar, obscene, or offensive language, contain anything defamatory or otherwise offensive to the general members of the community. No parade participant shall use vulgar, obscene or derogatory language while on a float or unit.

(4) Issuance of parade permit. Upon receipt of the parade application, the city recorder shall normally furnish to the applicant, within ten (10) working days, excluding Saturdays, Sundays and legal holidays, appropriate approval or denial of the application. Approval or denial of the application may be delayed if the applicant fails to give complete information, if the proposed route requires staff research, or if other aspects of the application require staff review that exceeds the normal process.

(5) Denial of parade permit. The police chief, fire chief and mayor shall deny an application (permit) when:

(a) The applicant fails to provide complete information on the application required under this section.

(b) The movement of the parade will conflict in time and location with another parade for which a permit has previously been granted or will interfere with the orderly flow of vehicular or pedestrian traffic.

(c) The parade could damage roadways or other facilities of the city.

(d) The applicant refuses to sign a statement ensuring that each marching unit or organization will only be allowed to conduct a maximum of four (4) stationary performances at a specified and approved location during the parade route.

(e) The applicant refuses to sign a statement ensuring that appropriate property owner/managers have authorized their property for use as staging and disassembly areas.

(f) The applicant refuses to sign a statement ensuring that the parade assembly and disassembly will be directed and orderly so as not to block or interfere with traffic flow.

(g) If the application reveals that the parade staging, parade route and parade disassembly requested will interfere with the orderly flow of vehicular or pedestrian traffic, the police chief, fire chief and mayor shall have authority to establish a reasonable alternate route and to regulate the width and the duration of the parade.

(6) Revocation of permit. (a) The police chief or his designee¹ shall revoke a parade permit when the information contained in the application is found to be inaccurate in any material detail.

(b) The police chief or his designee may revoke the parade permit if the parade fails to begin within thirty (30) minutes of the appointed time of commencement.

(c) The police chief or his designee may revoke the parade permit if the applicant misrepresents the number of participants in the parade and/or does not provide a final parade participation count at least seven (7) days before the date of the parade.

(d) The police chief or his designee shall revoke a parade permit based on reasonable grounds to believe that the parade is being conducted in a manner constituting a danger to any person or property.

(e) The police chief or his designee shall revoke a parade permit for failure to comply with this section.

(7) Indemnification. An applicant and or the sponsors, and or any other individual or entity must execute a written indemnity agreement, in the form and substance required by the city, indemnifying and holding harmless, the city and its officers and employees and parties in interest with the city against all claims, damages, or causes of action arising from the parade

¹Designee shall be full time police officer with rank of lieutenant or above.

resulting in injury, damage or death to persons or property, whether public or private. The applicant shall take all reasonable measures necessary to protect the parade participants. Insurance shall be furnished prior to the parade in the form, substance, and limits required by the city. (Ord. of Dec. 13, 1927, as replaced by Ord. #200715, Nov. 2007)

16-111. 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 to unreasonably 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.

16-112. 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. (Ord. of Dec. 13, 1927)

CHAPTER 2**EXCAVATIONS AND CUTS**¹**SECTION**

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

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. (Ord. of Oct. 2, 1928, as amended by Ord. of Aug. 7, 1939)

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

¹State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

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

16-203. Fee. The fee for such permits shall be an amount determined by the public works department. Said fee shall be equal to the cost of repairing the street to its original condition. (Ord. of Oct. 2, 1928, as amended by Ord. of Aug. 7, 1939, modified)

16-204. 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. (Ord. of Oct. 2, 1928)

16-205. 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 town, but shall be paid for by such person, firm, corporation, association, or others promptly upon the completion of the work 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.

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.

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 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.

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 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.

16-209. Driveway curb cuts and connections to city streets. No one shall cut, build, or maintain a driveway across a curb or sidewalk or connect a driveway to a city street without first making application for such connection at city hall. The application shall be reviewed and final permission for connection granted by the public works director. Permission will not be granted 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 feet (35') 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 feet (10') in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (as replaced by Ord. #201808, Oct. 2018)

CHAPTER 3

STREETLIGHTS

SECTION

16-301. Purpose.

16-302. Location.

16-303. Exceptions.

16-304. Request.

16-305. New installations.

16-301. Purpose. To provide guidelines for the installation of streetlights for adequate illumination along the streets and highways of the City of Lexington in order to aid in the safe and orderly movement of traffic and pedestrians. Streetlights are installed primarily to light the streets and highways with any secondary benefits as to lighting of yards, porches, driveways, etc. being coincidental. (as added by Ord. #201213, Dec. 2012)

16-302. Location. Streetlights will be provided in residential and commercial areas according to the following:

(1) Streetlights paid for by the city shall be located within the corporate limits only.

(2) Streetlights shall be installed only if funds are available.

(3) Streetlights shall be placed no closer than two hundred feet (200') apart.

(4) Streetlights shall be used to light streets only, except such lights may be placed in publicly owned parking lots and around city owned buildings and facilities.

(5) Streetlights shall face the street on which they are located.

(6) Streetlights shall not be provided on privately owned streets or private property.

(7) Streetlights shall not be provided for cost prohibitive projects.

(8) Streetlights shall be provided only if it is determined they are necessary for the health, safety and welfare of the general public traveling on our streets.

(9) Streetlights shall be provided based on public need rather than private need. (as added by Ord. #201213, Dec. 2012)

16-303. Exceptions. The chief of police may request a streetlight not in conformance with § 16-302 above if such light is within a high crime area or high traffic hazard location. Such request must be made in accordance with the provisions of this chapter and approved by the public works director. (as added by Ord. #201213, Dec. 2012)

16-304. Request. Requests for streetlight installations shall be made at city hall and a request form shall be completed. Upon receipt of a completed request, the public works director shall review the request for compliance; acquire relative information on need of installation; consult with Lexington Electric System on service and installation requirements; and, obtain a cost estimate for the project. The final determination for approval or denial will be made by the public works director. (as added by Ord. #201213, Dec. 2012)

16-305. New installations. Installation of new streetlights will be made by Lexington Electric System or other provider as required and approved by the board of mayor and aldermen; and, shall only be undertaken upon receipt of a work request signed and certified by the city recorder as being approved and authorized by the public works director. (as added by Ord. #201213, Dec. 2012)