

## TITLE 12

STREETS AND OTHER PUBLIC WAYS AND PLACES<sup>1</sup>

## CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. PROPERTY NUMBERING SYSTEM.

## CHAPTER 1

MISCELLANEOUS

## SECTION

- 12-101. Obstructing streets, alleys, or sidewalks prohibited.
- 12-102. Trees projecting over streets, etc., regulated.
- 12-103. Trees, etc., obstructing view at intersections prohibited.
- 12-104. Projecting signs and awnings, etc., restricted.
- 12-105. Banners and signs across streets and alleys restricted.
- 12-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 12-107. Obstruction of drainage ditches.
- 12-108. Abutting occupants to keep sidewalks free of snow and ice.
- 12-109. Parades, etc., regulated.
- 12-110. Railroad crossings.
- 12-111. Animals and vehicles on sidewalks.

12-101. 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, sec. 12-101)

12-102. 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

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<sup>1</sup>For charter provisions relating to streets, etc., see particularly section 1.04, subsections (g) and (h).

For provisions in this code dealing with littering streets and other public ways, regulating distribution of handbills, and prohibiting fires in streets, see title 8, chapter 5. See title 9 in this code for related motor vehicle and traffic regulations.

to project 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. (1979 Code, sec. 12-102)

12-103. 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 driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1979 Code, sec. 12-103)

12-104. 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. (1979 Code, sec. 12-104)

12-105. 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 or above any public street or alley except when expressly authorized by the board of mayor and aldermen after a finding that no hazard will be created by such banner or sign. (1979 Code, sec. 12-105)

12-106. Gates or doors opening over streets, alley 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, sec. 12-106)

12-107. 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, sec. 12-107)

12-108. Abutting occupants to keep sidewalks free of snow and ice.<sup>1</sup> Immediately after a snow or sleet, abutting occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1979 Code, sec. 12-208)

12-109. 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 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

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<sup>1</sup>For provisions requiring abutting occupants to keep the sidewalks free of litter, see title 8, chapter 5.

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, sec. 12-209)

12-110. Railroad crossings. (1) All railway companies using any rail line intersecting with any public street in the City of Moscow shall give timely warning of the approach of said train by sounding of the horn.

(2) The Southern Railway Company shall install a constant flashing signal at the grade crossing of highway 76 and/or 59 and Southern Railway Company in the City of Moscow. (1979 Code, sec. 12-110)

12-111. 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 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, sec. 12-111)

## CHAPTER 2

EXCAVATIONS AND CUTS<sup>1</sup>

## SECTION

- 12-201. Permit required.
- 12-202. Applications.
- 12-203. Fee.
- 12-204. Deposit or bond.
- 12-205. Manner of excavating--barricades and lights--temporary sidewalks.
- 12-206. Restoration of streets, etc.
- 12-207. Insurance.
- 12-208. Time limits.
- 12-209. Supervision.
- 12-210. Driveway curb cuts.

12-201. 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 the terms of any such permit; provided, however, any person maintaining pipes, lines, or under the surface of any without a permit when work to be done immediately 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. (1979 Code, sec. 12-201)

12-202. 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

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<sup>1</sup>Sections 12-201 through 12-209 in this chapter were taken substantially from the ordinance upheld by the Tennessee Supreme Court in the 1960 case of City of Paris, Tennessee v. Paris County Public Utility District, 207 Tenn. 388, 340 S. W. 2d 885.

to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1979 Code, sec. 12-202)

12-203. 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 (\$0.25) 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. (1979 Code, sec. 12-203)

12-204. 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 recorder may increase the amount of the deposit to an amount considered by him to be adequate to cover the said 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 recorder shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1979 Code, sec. 12-204)

12-205. 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, sec. 12-205)

12-206. 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 the City of Moscow 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. (1979 Code, sec. 12-206)

12-207. 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. (1979 Code, sec. 12-207)

12-208. 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. (1979 Code, sec. 12-208)

12-209. 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. (1979 Code, sec. 12-209)

12-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the 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 into the street. (1979 Code, sec. 12-210)

## CHAPTER 3

PROPERTY NUMBERING SYSTEM

## SECTION

12-301. Uniform property numbering system adopted.

12-302. Assignment and display of numbers.

12-303. Administration.

12-301. Uniform property numbering system adopted. A uniform system of numbering properties and principal buildings, as shown on the map entitled and identified by the name "Official Street Names," which is filed in the office of the city recorder, is hereby adopted for use in the City of Moscow. This map and all explanatory matter thereon, is hereby adopted and made a part of this chapter. (1979 Code, sec. 12-301)

12-302. Assignment and display of numbers. (1) All properties or parcels of land within the corporate limits of the City of Moscow shall hereafter be identified by reference to the uniform numbering system adopted herein, provided, that all existing numbers of property and buildings not now in conformity with provisions of this chapter shall be changed to conform to the system adopted within six months from the date of passage of the provisions of this chapter.<sup>1</sup>

(2) A separate number shall generally be assigned for each twenty-five (25) feet of frontage.

(3) Whenever possible, each principal building shall bear the number assigned to the frontage on which the front entrance is located. In case a principal building is occupied by more than one business or family dwelling unit, each separate front entrance of such principal building shall bear a separate number. However, this does not apply to shopping centers, mobile home parks, apartments, and other multi-family structures with the exception of townhouses and duplexes.

(4) Numerals indicating the official numbers for each principal building or each front entrance to such building shall be posted in such a manner as to be visible from the street on which the property is located. Such numerals may be obtained, at cost, from the city recorder, as provided in section 12-303. (1979 Code, sec. 12-302)

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<sup>1</sup>The ordinance from which this chapter derives was passed on final reading on May 3, 1976.



12-303. Administration. (1) The city recorder shall be responsible for maintaining the numbering system. In the performance of this responsibility he shall be guided by the provisions of section 12-302.

(2) The recorder shall keep a record of all numbers assigned under this chapter.

(3) The recorder shall issue to any property owner in the city limits upon request and at cost a set of numerals for each principal building or separate front entrance to such building, except for shopping centers, mobile home parks, apartments, and other multi-family structures with the exception of townhouses and duplexes. In doing so, he shall issue only numerals for the number assigned to such building under the provisions of this chapter. Provided, however, that the recorder may issue additional numerals in accord with the official numbering system whenever a property has been subdivided, a new front entrance opened, or undue hardship has been worked on any property owner. (1979 Code, sec. 12-303)