

## TITLE 16

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

#### CHAPTER

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

#### 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, sidewalks, etc., prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Vehicles, animals, etc., on sidewalks, walkways, etc.
- 16-111. 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 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, § 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 statute. (1979 Code, § 12-106)

**16-107. Littering streets, alleys, sidewalks, etc., prohibited.** It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk or any school premises or in any park any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with or make hazardous the use of such public ways and places for their intended purposes.

Any person violating this section shall promptly remove, or be liable for the expense of removing, the resulting litter. Payment of a fine shall not relieve him of this responsibility. (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.

It shall be unlawful to install drainage tile along the streets, alleys, and ditches, including entrances to driveways to private property, of a less diameter than twelve (12) inches inside measurement, and said drainage tile shall be placed in such a manner and at such a grade as to allow the water to freely flow through said tile. (1979 Code, § 12-108)

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<sup>1</sup>Municipal code reference

Building code: title 12, chapter 1.

**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. Vehicles, animals, etc., on sidewalks, walkways, etc.**

(1) It shall be a misdemeanor for any person to ride, operate, push, pull, or place any automobile, bicycle, skateboard, motorcycle, animal or other conveyance upon any municipal owned sidewalk or walkway or upon any other sidewalk or walkway used by the public in any area zoned commercial by the City of Pigeon Forge.

The section shall not be construed to prohibit the use of wheelchairs or other devices being used by handicapped persons or carriages used to transport infant children.

(2) It shall likewise be a misdemeanor for any person to ride, lead, or tie any animal across or upon any municipal sidewalk or walkway or upon any other sidewalk or walkway used by the public in such a manner as to unreasonably interfere or inconvenience pedestrians using the same.

(3) Any person found guilty of violation of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$5 nor more than \$50 for each offense.

(4) It shall also be unlawful for any person to allow any minor under his supervision to violate any provisions of this section. (1979 Code, § 12-111)

**16-111 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, § 12-112)

## CHAPTER 2

### EXCAVATIONS AND CUTS<sup>1</sup>

#### 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 city manager is open for business, and said permit shall be retroactive to the date when the work was begun. (1979 Code, § 12-201)

**16-202. Applications.** Applications for such permits shall be made to the city manager, 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

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<sup>1</sup>State 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).

laws relating to the work to be done. Such application shall be rejected or approved by the city manager within twenty-four (24) hours of its filing. (1979 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. (1979 Code, § 12-203)

**16-204. Deposit or bond.** No such permit shall be issued unless and until the applicant therefor has deposited with the city manager 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 manager 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 city manager a surety bond in such form and amount as the city manager shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1979 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. (1979 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

city manager 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, § 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 city manager 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 \$200,000 for each accident, and for property damages not less than \$50,000, with an aggregate of \$100,000 for all accidents. (1979 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 city manager. (1979 Code, § 12-208)

**16-209. Supervision.** The city manager 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, § 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 manager. 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.

All commercial driveways constructed and connecting to a city street shall be paved. All residential driveways constructed and connected to a city street shall be paved with hot mix or concrete for a minimum distance of fifteen (15) feet from adjoining edge of pavement on city street. (1979 Code, § 12-210)

## CHAPTER 3

### PARADES

#### SECTION

16-301. Definition.

16-302. No permits issued during July and October.

16-303. Permit required.

16-304. Application for permit.

16-305. Issuance of permit.

16-306. Notice of rejection of application.

16-307. Appeal procedure.

**16-301. Definition.** For purposes of this chapter, "parade" shall mean any procession or moving assemblage upon any street or public thoroughfare other than routine vehicular traffic or a funeral procession. (1979 Code, § 12-301)

**16-302. No permits issued during July and October.** Recognizing that the city streets are heavily congested during the months of July and October and that any parades during those months will substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic and will interfere unduly with proper fire and police protection of or ambulance services to areas contiguous to the assembly area or other areas of the city, no permits for parades will be issued during the months of July and October. (1979 Code, § 12-302, as amended by Ord. #971, Oct. 2013)

**16-303. Permit required.** (1) No person or organization shall engage in, participate in, aid, form, or conduct any street parade, without first obtaining a permit from the city manager.

(2) **Exceptions.** This section shall not apply to, nor shall a permit be required in the following instances:

(a) Funeral processions;

(b) Parades sponsored by the City of Pigeon Forge. (1979 Code, § 12-303)

**16-304. Application for permit.** Any person or organization seeking a parade permit during the months of January, February, March, April, May, June, September, November or December, shall file an application with the city manager, on a form provided by the City of Pigeon Forge.

(1) **Filing period.** The application for a parade permit shall be filed not more than one hundred and eighty (180) days and not less than five (5) days before the time intended for such parade. For good cause shown, applications may be accepted after the five (5) days limit. Good cause shall be shown when



the application can be processed in compliance with the provisions of this chapter in sufficient time to allow the parade to proceed as scheduled.

- (2) Contents. The application shall at least include the following:
- (a) The name and address of the organization sponsoring the parade;
  - (b) The name and address of the person in charge of the parade;
  - (c) The date when the parade is to be conducted;
  - (d) The name of the parade;
  - (e) The time the parade will begin to form, and the time the parade will begin movement;
  - (f) The place where the parade will form;
  - (g) The route of the parade;
  - (h) The approximate number of participants not including spectators who will participate in the parade;
  - (i) The number of autos, floats, or bands in the parade;
  - (j) The place where the parade will disband;
  - (k) Prior parade history of the organization involved;
  - (l) Any other information required by the city manager to perform the duties described herein. (1979 Code, § 12-304)

**16-305. Issuance of permit.** The city manager shall issue a parade permit as provided for hereunder when, from the consideration of the application and from other information as may otherwise be obtained, it appears that:

- (1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic in or contiguous to the route or location of the parade.
- (2) The concentration of persons, animals, and/or vehicles at the parade will not interfere unduly with proper fire and police protection of or ambulance service to areas contiguous to the assembly area or other areas of the city.
- (3) The conduct of the parade will not result in noise at a level inappropriate to the area surrounding the parade.
- (4) The parade is not to be held for the primary purpose of advertising any product, good, or event which is primarily for private profit and the parade itself is not primarily for profit provided, however, the prohibition against advertising any product, good or event shall not apply to signs identifying organizations or sponsors furnishings or sponsoring exhibits or structures used in the conduct of the parade.
- (5) Such parade will not interfere with previously scheduled activities or with scheduled maintenance or repair work to be carried out on the streets or thoroughfare to be used. (1979 Code, § 12-305)

**16-306. Notice of rejection of application.** The city manager shall act upon the application for a permit within seventy-two (72) hours after the filing thereof. If for any reason a longer period of time is required, the reason for such a delay shall be provided in writing to the applicant. If the city manager disapproves the application, she shall make a reasonable effort to notify the applicant, either by personal delivery or certified mail. A copy of the notice of rejection and the reason thereof shall be available in the office of the city manager within twenty-four (24) hours of her action. (1979 Code, § 12-306)

**16-307. Appeal procedure.** Any applicant shall have the right to appeal the denial of a permit to the city commission. The city commission shall consider the appeal in a timely manner which does not preclude the applicant from conducting its parade. If, using the standards containing in this chapter, good cause exist for the denial, the rejection shall be upheld. If using the standards, good cause does not exist for the rejection, the city commission shall direct the city manager to issue a permit. (1979 Code, § 12-307)