

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS.
3. STREET STANDARDS AND SPECIFICATIONS.
4. HORSEBACK RIDING AND HORSE DRAWN VEHICLES.

CHAPTER 1

MISCELLANEOUS²

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, etc., regulated.
- 16-111. Operation of trains at crossings regulated.
- 16-112. Animals and vehicles on sidewalks.
- 16-113. 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. (1988 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. (1988 Code, § 12-102)

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

²The official street adoption policy is of record in the recorder's office.

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 driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1988 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 (1988 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 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. (1988 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. (1988 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. (1988 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. (1988 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. (1988 Code, § 12-109)

¹Municipal code reference

Building code: title 12, chapter 1.

16-110. 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 town recorder. (1988 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 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. (1988 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 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. (1988 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. (1988 Code, § 12-113)

CHAPTER 2

EXCAVATIONS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Safety restrictions on excavations.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, including utility districts 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 town recorder is open for business, and the permit shall be retroactive to the date when the work was begun. (1988 Code, § 12-201)

16-202. Applications. Applications for such permits shall be made to the town 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

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).

approved by the town recorder within twenty-four (24) hours of its filing. (1988 Code, § 12-202)

16-203. Fee. The fee for such permits shall be twenty dollars (\$20.00). (1988 Code, § 12-203)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the town recorder a cash deposit. The deposit shall be in the sum of five hundred dollars (\$500.00) if no pavement is involved or one thousand dollars (\$1,000.00) 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 town recorder 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 town of relaying the surface of the ground or pavement, and of making the refill if this is done by the town 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 town recorder a surety bond in such form and amount as the town recorder shall deem adequate to cover the costs to the town if the applicant fails to make proper restoration. (1988 Code, § 12-204)

16-205. Safety restrictions on excavations. 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. (1988 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 town shall restore the 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 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 town 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 town 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 town, 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. (1988 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 town 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. (1988 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 town if the town 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 town recorder. (1988 Code, § 12-208)

16-209. Supervision. The person designated by the board of mayor and aldermen 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 town 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. (1988 Code, § 12-209)

CHAPTER 3

STREET STANDARDS AND SPECIFICATIONS

SECTION

- 16-301. Acceptance of streets.
- 16-302. Minimum design standards.
- 16-303. Inspection.
- 16-304. Guarantee in lieu of completed improvements.

16-301. Acceptance of streets. Prior to the acceptance of any public road into the town system, a written request shall be made to the board of mayor and aldermen the party wishing to dedicate such road and the road shall have been reviewed by the Road Commissioner of Pikeville and shall have meet the town's design standards.

The road commissioner shall be responsible for taking the request to the board of mayor and aldermen who shall determine which streets shall be officially accepted as public roads. The board of mayor and aldermen shall have the authority to reject acceptance if just cause can be shown, or if it does not meet the minimum design standards of this chapter. (1988 Code, § 12-301)

16-302. Minimum design standards. (1) Right-of-way widths. The right-of-way width shall be the distance across a road from property line to property line. Minimum road right-of-way widths shall be 50 feet.

(2) Road surface widths. Road surfaces widths shall be 22 feet with a three foot dirt shoulder on each side of the road. There shall be a drainage ditch on each side of the road with a slope of one inch every two feet for a minimum width of three feet.

(3) Road base specifications. The base shall consist of crushed stone, Grade D Class B or number 19 or "33-c", compacted to six (6) inches, in two equal layers.

(4) Road surface specifications. The surface shall be paved using double bituminous surface treatment (double shot).

The first application (prime cost) of bituminous material should be applied at a uniform rate of between 0.3 and 0.4 gallons per square yard.

Immediately after the application of bituminous material it shall be covered uniformly with size number 6 mineral aggregate - - the aggregate shall be spread at a rate of between thirty (30) and forty (40) pounds per square yard.

The second application of bituminous material shall be applied at a uniform rate between 0.30 and 0.35 gallons per square yard. Mineral aggregate, size number 7 shall then be spread at a rate of twenty (20) to twenty-five (25) pounds per square yard.

(5) Continuation of existing roads. Existing roads shall be continued at the same or greater width, but in no case less than the required width.

(6) Road connections. Where proposed roads are to adjoin existing roads, the developer must make the connection at his expense and meet all road design requirements.

(7) Storm drainage. An adequate drainage system including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water.

All storm drainage contained in pipes or culverts under the roadway shall have end walls, or rip-rap with a concrete apron wall where necessary to prevent erosion.

Cross drains should be provided to accommodate all natural water flow and shall be of sufficient length to permit a full width roadway and the required slopes. The size and location of cross drains shall be determined by the U.S. Soil and Water Conservation Service, but in no case shall they be less than twelve (12) inches in diameter.

(8) Installation of utilities. After grading is completed and approved and before any road surface is applied, all of the required underground work -- water mains, sewer lines, gas mains, etc., and all service connections shall be installed completely and approved. (1988 Code, § 12-302)

16-303. Inspection. All new streets need to have periodic inspection by the Road Commissioner of the Town of Pikeville or the person designated by the town, during construction to insure that the above-mentioned minimum standards have been met. Failure of the developer to obtain such inspections will constitute grounds for non-acceptance of the street by the town. (1988 Code, § 12-303)

16-304. Guarantee in lieu of completed improvements. No street shall be accepted until improvements listed shall have been constructed in a satisfactory manner and approved as specified in § 16-302 of this chapter or in lieu of such prior construction, the town may accept a security bond or a certified check in an amount equal to the estimated cost of installation of the required improvements whereby improvements may be made without cost to the town in the event of default by the petitioner. (1988 Code, § 12-304)

CHAPTER 4

HORSEBACK RIDING AND HORSE DRAWN VEHICLES

SECTION

16-401. Regulations.

16-401. Regulations. (1) (a) It shall be unlawful for anyone to ride upon a horse or horse-drawn vehicle at any time (except as enumerated in 1(b) of this chapter) in the town limits of Pikeville, Tennessee, anywhere on Highway 127 between the intersection of Grove Street and 127 and the intersection of Sequatchie Road and 127.

(b) The above listed absolute prohibition will not apply from one-half hour after sunrise to one-half hour before sunset on the Fourth of July, Labor Day, Christmas Day, and on any day any organization is having a parade or horse show.

(2) It shall be unlawful for anyone to ride upon or be pulled in a vehicle by a horse or horses within the corporate boundaries of Pikeville, Tennessee, outside the area described in 1(a) of this chapter, from one-half ($\frac{1}{2}$) hour before sunset to one-half ($\frac{1}{2}$) hour after sunrise and at all other times when there is not sufficient light to render clearly visible any horse or vehicle pulled by a horse on the streets at a distance of three hundred (300) feet.

(3) It shall be unlawful for any person to ride upon a vehicle pulled by a horse within any portion of the Town of Pikeville not included within the boundaries described in 1(a) of this chapter from one-half ($\frac{1}{2}$) hour before sunset to one-half ($\frac{1}{2}$) hour after sunrise and at all other times when there is not sufficient light to render such vehicle clearly visible from a distance of three hundred (300) feet except if there is attached to such vehicle red reflectors which shall be clearly visible for a distance of three hundred (300) feet, such red reflectors to be situated so as to render them visible from the front, rear, and sides of such vehicle.

(4) It shall be unlawful for anyone to ride a horse or vehicle pulled by a horse upon any sidewalk within the corporate boundaries of Pikeville, Tennessee, at any time.

(5) It shall be unlawful to allow livestock to run loose within the boundaries of the Town of Pikeville or to be herded upon public streets within the corporate boundaries of the Town of Pikeville, Tennessee, at any time.

(6) In accordance with Tennessee Code Annotated, § 55-8-178, no person shall wilfully, by noise, gesture, or by other means, on or near the public roads, disturb, or frighten the driver or rider or the animals ridden or drawing vehicles thereon.

(7) The punishment of every person violating any of the provisions of this chapter, intentionally or through carelessness, shall be a fine not less than

ten dollars (\$10.00) nor more than fifty dollars (\$50.00) and/or imprisonment not longer than thirty (30) days.

(8) Definitions:

(a) "Horse" shall mean any member of the horse family, including ponies, mules, and donkeys.

(b) "Livestock" shall include, but not be limited to, horses, mules, donkeys, cows, chickens, pigs, and goats. (1988 Code, §§ 12-401 and 12-402, as amended by Ord. #05-10-88, _____)