

## TITLE 16

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

#### CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. CONSTRUCTION OF SIDEWALKS AND CURBING.
4. [DELETED.]
5. PARKS AND RECREATIONAL FACILITIES.
6. MOVING BUILDINGS OVER STREETS, ETC.
7. LITTER, WEEDS, ETC.
8. PARADES.
9. CLEAN STREETS AND PUBLIC WAYS.

#### 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. [Deleted.]
- 16-111. Animals and vehicles on sidewalks.
- 16-112. In street signs.
- 16-113. Speed bumps.

**16-101. Obstructing streets, alleys, or sidewalks prohibited.** No person, without express permission from the board of mayor and aldermen, shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of washing a car, burning leaves or other refuse matter, or for storing, selling, or exhibiting any goods, wares, merchandise, or materials,

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

provided, however, goods, wares, merchandise, or materials may be displayed or placed on sidewalks provided the same shall not extend over twenty-five (25) inches from the actual building where said building abuts on a sidewalk, and provided further that any display or use of the sidewalk shall not create a hazard to pedestrians. (1977 Code, § 12-801)

**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 at a height of less than fourteen (14) feet. (1977 Code, § 12-802)

**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. (1977 Code, § 12-803)

**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> (1977 Code, § 12-804)

**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 power board of the Pulaski Electric System. (1977 Code, § 12-805, as amended by Ord. #3, 2000, July 2000)

**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. (1977 Code, § 12-806)

**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. (1977 Code, § 12-807)

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<sup>1</sup>Municipal code reference  
Building code: title 12, chapter 1.

**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. (1977 Code, § 12-808)

**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 if it is within the fire limits. (1977 Code, § 12-809)

**16-110. [Deleted.]** This section was deleted by Ord. #3, 2000, July 2000. (1977 Code, § 12-811, modified, as deleted by Ord. #3, 2000, July 2000)

**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. (1977 Code, § 12-812)

**16-112. In street signs.** It is the policy of the City of Pulaski, Tennessee that "in street signs" may be allowed upon certain city streets in certain circumstances for the purpose of facilitating the safe travel by pedestrians across those streets. Upon a request to the city by an educational institution to erect in street signs the chief of police shall conduct an investigation into the necessity of erecting said signs. In the event the chief of police determines that:

- (1) It is reasonably necessary for students of the educational institution to traverse the institution's campus by foot; and
- (2) Placing in street signs in certain crosswalks facilitates the safe travel of student pedestrians, then the chief of police shall make a recommendation to the board of mayor and aldermen that certain approved in street signs be allowed.

Upon a resolution of the board certain in street signs will be permitted.

Under no circumstances will such signs be permitted that do not adhere to the following guidelines:

- (1) Such signs shall be temporary in nature, but shall be anchored to the street surface so as not to allow them to be moved, absent the intent to move them. For example, signs shall be anchored in such a manner so as to prevent strong winds from moving them from the position where they were originally affixed.
- (2) Such signs shall only be permitted on secondary streets within the city limits of Pulaski, Tennessee.
- (3) The costs of such in street signs shall be borne by the educational institution requesting such signs.

(4) In no event shall an in street sign be placed in a manner or design inconsistent with the Manual on Uniform Traffic Control Devices (MUTCD) nor any other provision of the Municipal Code for the City of Pulaski. (as added by Ord. #6, 2010, Nov. 2010)

**16-113. Speed bumps.** The City of Pulaski, Tennessee believes that "speed bumps" are valid and useful traffic control devices and may be allowed upon certain city streets in certain circumstances for the purpose of deterring speeding vehicles. The decision to place speed bumps shall be left to the discretion of the board of mayor and aldermen. Speed bumps will only be placed according to the following guidelines:

(1) Speed bumps will only be allowed on secondary streets within the city limits of Pulaski, Tennessee.

(2) Speed bumps will only be erected in areas which are residentially zoned, in Historic Zoning Overlay Districts or on streets which adjoin parks, athletic fields or educational institutions which are not residentially zoned.

(3) In the event speed bumps are placed, the proper warning signs shall be erected so as to give notice to motorists of the existence of the traffic control device.

(4) Speed bumps will be considered upon a demand by written petition to the board of mayor and aldermen, containing the signatures of at least eighty-five percent (85%) of the residents who reside on the street block where the traffic control device is requested to be maintained.

(a) The board of mayor and aldermen should consider the potential cost associated with the erection of a speed bump, as well as the total amount expended on speed bumps during the fiscal year in which the determination is being made, in making its determination whether to authorize the construction of a speed bump.

(b) The board of mayor and aldermen should also consider traffic volume in making its determination whether to authorize the construction of a speed bump.

Upon a resolution of the board of mayor and aldermen, speed bumps which comply with these requirements will be permitted, constructed and maintained by the City of Pulaski, Tennessee.

In the event any section, provision, or part of this section shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such adjudication shall not affect the validity of the section as a whole, or any section, provision or part hereof not adjudged invalid or unconstitutional.

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

The ordinance comprising this section shall take effect from and after its passage, the public welfare requiring it. (as added by Ord. #5, 2011, June 2011)

## 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 building inspector is open for business, and said permit shall be retroactive to the date when the work was begun. (1977 Code, § 12-101)

**16-202. Applications.** Applications for such permits shall be made to the building inspector, 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).

**16-204. Deposit or bond** laws relating to the work to be done. Such application shall be rejected or approved by the building inspector within twenty-four (24) hours of its filing. (1977 Code, § 12-102)

**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. (1977 Code, § 12-103)

. No such permit shall be issued unless and until the applicant therefor has deposited with the building inspector 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 building inspector 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 building inspector 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. (1977 Code, § 12-104)

**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. (1977 Code, § 12-105)

**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 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 building inspector 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. (1977 Code, § 12-106)

**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 building inspector 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. (1977 Code, § 12-107)

**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 building inspector. (1977 Code, § 12-108)

**16-209. Supervision.** The building inspector 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. (1977 Code, § 12-109)

**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 building inspector. 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. (1977 Code, § 12-110)



### CHAPTER 3

#### CONSTRUCTION OF SIDEWALKS AND CURBING

##### SECTION

16-301. Owners required to construct sidewalks and curbing.

16-302. Notice to owner required.

16-303. Result of refusal of owner after notice.

16-304. Demand to be made for payment; arrangements for payment, etc.

16-305. Maintenance.

**16-301. Owners required to construct sidewalks and curbing.** The owners of any property within the corporate limits of the city, except that zoned C-I, Central Business District, and fronting upon, or adjoining any paved street within the city shall be required to construct or bear the expense of constructing a suitable sidewalk and/or curbing along the entire frontage of their property. All such sidewalks and curbing shall be constructed in accordance with requirements established by the street and sanitary committee. (1977 Code, § 12-201, as amended by Ord. #15, 1999, Oct. 1999, as replaced by Ord. #6, June 2006)

**16-302. Notice to owner required.** It shall be the duty of the city attorney to give any owner who fails or refuses to construct or bear the expense of construction of such sidewalk or curbing a (15) day written notice of the intention of the board to require such owner to construct or bear the expense of constructing such sidewalk and curbing. All such notices shall be sent pursuant to action of the board indicated by a proper minute entry to that effect. (1977 Code, § 12-202, as replaced by Ord. #6, June 2006)

**16-303. Result of refusal of owner after notice.** If any owner shall refuse to construct or bear the expense of constructing such a sidewalk and/or curbing after such notice, the chairman of the street and sanitary committee shall immediately proceed to cause said sidewalk and/or curbing to be constructed. (1977 Code, § 12-203, as replaced by Ord. #6, June 2006)

**16-304. Demand to be made for payment; arrangements for payment, etc.** Immediately upon the completion of said construction, the chairman of the street and sanitary committee shall deliver to the city attorney a statement of the total costs of such construction. It shall be the duty of the city attorney to make formal demand, by registered mail, for payment, and in said demand, to set a deadline of not less than ten (10) nor more than fifteen (15) days from the date of the mailing of the letter within which arrangements for payment must be made with the recorder.

The city recorder is authorized, empowered, and directed to accept a cash payment of the total amount due or any reasonable, interest free, installment payment plan proposed by the property owner. However, if the property fails to make a timely cash payment, or arrangements for payment by installments, or defaults on any installment payment the entire balance owed shall be due and payable immediately. In such case the board may direct the city attorney to institute suit in the name of the city for recovery of the total amount remaining unpaid. (1977 Code, § 12-204, as replaced by Ord. #6, June 2006)

**16-305. Maintenance.** All owners of property, except that property zoned C-I Central Business District, abutting or adjoining paved streets shall cause the sidewalks and curbs around the same to be maintained at all times and when any such sidewalk or curbing shall deteriorate to the extent that a new sidewalk or curb shall be necessary, the board shall proceed under the preceding sections. (1977 Code, § 12-205, as amended by Ord. #15, 1999, Oct. 1999, as replaced by Ord. #6, June 2006)

**CHAPTER 4**

**[DELETED]**

This chapter was deleted by Ord. #6, 2012, Sept. 2012.

**CHAPTER 5**

**PARKS AND RECREATIONAL FACILITIES**

**SECTION**

16-501. Sam Davis Park.

16-502. Other parks and recreational facilities.

16-503. [Deleted.]

**16-501. Sam Davis Park.** (1) Supervision. The parks and recreation director shall be the park supervisor. He shall have active charge of the grounds and report all violations of this section to the parks and recreation committee at once.

(2) Rules and regulations. The parks and recreation committee and director shall be guided by the following rules and regulations in controlling and managing Sam Davis Park:

(a) Sam Davis Park is to be used as a playground, athletic field and for such other purposes as are consistent with the provisions of the original deed of conveyance or which will not interfere with the use contemplated in said deed.

(b) Any person, group or organization desiring to use the park shall first obtain permission from the parks and recreation director.

(c) No carnival, circus, rodeo or similar show or attraction may operate in the park unless it shall be operated in conjunction with a fair or other show where a carnival would be necessary and to the best interests of the people of Pulaski.

(d) Any carnival, circus, rodeo, group, club, individual, firm or corporation using the park for any purpose or sponsoring or promoting any activity therein, must agree to repair any damage done to the field, fences, stands, light poles, or any house, shed, structure or fixture, as a direct result of its use of the park facilities, and shall further agree to clear the park of all rubbish, trash, or other debris immediately after such use. Any violation of this section shall result in the forfeiture of the right to the further use of the park by the person.

(3) Utilities. When any person, firm, club, group, organization, individual, or corporation receives permission to use the parks, the user shall notify the director of parks and recreation, whose duty it shall be to provide the necessary utilities which shall be paid for by the user. (1977 Code, § 12-401, as amended by Ord. #3, 2000, July 2000, and Ord. #6, 2012, Sept. 2012)

**16-502. Other parks and recreational facilities.** In so far as practicable, other city parks and recreational facilities shall be operated in accordance with the provisions applicable to Sam Davis Park. (1977 Code, § 12-402)

**16-503. [Deleted.]** This section was deleted by Ord. #3, 2000, July 2000.  
(1977 Code, § 12-403, as deleted by Ord. #3, 2000, July 2000)

**CHAPTER 6****MOVING BUILDINGS OVER STREETS, ETC.****SECTION**

- 16-601. Definitions.
- 16-602. Permit required.
- 16-603. Application.
- 16-604. Deposit for expense to city.
- 16-605. General deposit.
- 16-606. Duties of building inspector.
- 16-607. Duties of permittee.
- 16-608. Enforcement.

**16-601. Definitions.** For the purposes of this chapter the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and the words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "Building" is a structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes. A structure of the following dimensions shall not fall within this definition: ten (10) feet high by fifteen (15) feet long by eight (8) feet wide.

(2) "Building inspector" is the building inspector of the City of Pulaski, Tennessee.

(3) "City" is the City of Pulaski, Tennessee.

(4) "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind. (1977 Code, 12-501)

**16-602. Permit required.** No person shall move any building over, along, or across any highway, street, or alley in the city without first obtaining a permit from the building inspector. (1977 Code, 12-502)

**16-603. Application.** A person seeking issuance of a permit hereunder shall file an application for such permit with the building inspector.

(1) **Form.** The application shall be made in writing, upon forms provided by the building inspector, and shall be filed in the office of the building inspector.

(2) **Contents.** The application shall set forth:

(a) A description of the building proposed to be moved, giving street number, construction materials, dimensions, number of rooms, and condition of the exterior and interior.

(b) A legal description of the lot from which the building is to be moved, giving the lot, block, and tract number, if located in the city.

(c) A legal description of the lot to which it is proposed to be removed, giving the lot, block and tract number, if located in the city.

(d) The portion of the lot to be occupied by the building when moved.

(e) The highways, streets, and alleys over, along, or across which the building is proposed to be moved.

(f) Proposed moving date and hours.

(g) Any additional information which the building inspector shall find necessary to a fair determination of whether a permit should issue.

(3) Accompanying papers.

(a) Tax certificate. The owner of the building to be moved shall file with the application sufficient evidence that the building and lot from which it is to be removed are free of any entanglements and that all taxes and any city charges against the same are paid in full.

(b) Certificate of ownership or entitlement. The applicant, if other than the owner, shall file with the application a written statement or bill of sale signed by the owner, or other sufficient evidence, that he is entitled to move the building.

(4) Fee. The application shall be accompanied by a permit fee in the amount of \$25.00. (1977 Code, 12-503)

**16-604. Deposit for expense to city.** Upon receipt of an application it shall be the duty of the building inspector to procure from the appropriate departments an estimate of the expense that will be incurred in removing and replacing any electrical wires, street lamps, poles, or lines belonging to the city or any other property of the city, the removal and replacement of which will be required by reason of the moving of the building through the city, together with the cost of materials necessary to be used in making such removals and replacements. Prior to the issuance of permit the building inspector shall require the applicant to deposit a sum of money equal to twice the amount of the estimated expense. (1977 Code, 12-504)

**16-605. General deposit.** An application hereunder shall be accompanied by a cash deposit in the sum of \$2,000.00 as an indemnity for any damage which the city may sustain by reason of damage or injury to any highway, street, alley, sidewalk, fire hydrant, or other property of the city, which may be caused by or be incidental to the removal of any building over, along, or across the streets in the city and to indemnify the city against any

claim of damages to persons or private property and to satisfy any claims by private individuals arising out of, caused by, or incidental to the moving of any building over, along, or across any street in the city.

(1) Bond in lieu of deposit. Any person filing an application hereunder may, in lieu of the general cash deposit required above, file with the building inspector a bond, approved as to form by the city attorney, executed by a bonding or surety company authorized to do business in the State of Tennessee, in the amount of two thousand dollars (\$2,000) conditioned upon the assurance that this and other applicable ordinances and laws will be complied with. Such bond shall run to the city for the use and benefit of any person or persons intended to be protected thereby and shall be conditioned on the payment of any damage to public property or private property and the payment for any damages or losses resulting from any malfeasance, misfeasance, or nonfeasance or negligence in connection with any of the activities or conditions upon which the permit applied for is granted.

(2) Insurance policy in lieu of deposit. Any person filing an application hereunder may, in lieu of the general cash deposit required above, file with the building inspector a liability insurance policy, issued by an insurance company authorized to do business in the State of Tennessee and approved as to form by the city attorney, in the same amount and providing for the same protection as would be required for a bond hereunder.

(3) Any person filing an application hereto may in lieu of (1) and (2) above, execute a personal bond, which personal bond shall be approved by the finance committee of the board of mayor and aldermen. (1977 Code, § 12-505)

**16-606. Duties of building inspector.** (1) Inspection. The building inspector shall inspect the building and the applicant's equipment to determine whether the standards for issuance of a permit are met.

(2) Standards for issuance. The building inspector shall refuse to issue a permit if he finds:

(a) That any application requirement or any fee or deposit requirement has not been complied with.

(b) That the building is too large to move without endangering persons or property in the city.

(c) That the building is in such state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the city.

(d) That the building is structurally unsafe and that persons and property would be endangered by its use.

(e) That the applicant's equipment is unsafe and that persons or property would be endangered by its use.

(f) That zoning or other ordinances would be violated by the building in its new location.



(g) That for any other reason persons or property in the city would be endangered by the moving of the building.

(3) Fees and deposits. (a) Deposit. The building inspector shall deposit all fees and deposits and all bonds or insurance policies with the city recorder.

(b) Return upon allowance for expense. After the building has been removed the building inspector shall furnish the mayor with a written statement of all expenses incurred in removing and replacing all property belonging to the city, and of all material used in the making of the removal and replacement together with a statement of all damage caused to or inflicted upon the property belonging to the city. Provided, however, that if any wires, poles, lamps, or other property are not located in conformity with governing ordinances, the permittee shall not be liable for the cost of removing the same. The mayor shall authorize the building inspector to return to the applicant all deposits after the city recorder deducts the sum sufficient to pay for all of the costs and expenses and for all damages done to the property of the city by reason of the removal of the building. Permit fees deposited with the application shall not be returned.

(4) Designate streets for removal. The building inspector shall procure from the street department a list of the designated streets over which the building may be moved. The building inspector shall have the list approved by the chief of police and shall reproduce the list upon the permit in writing. In making their determinations the street department and the chief of police shall act to assure maximum safety to persons and property in the city and to minimize congestion and traffic hazards on public streets. (1977 Code, 12-506)

**16-607. Duties of permittee.** Every permittee under this chapter shall:

(1) Use designated streets. Move a building only over streets designated for such use in the written permit.

(2) Notify of revised moving time. Notify the building inspector in writing of a desired change in moving date and hours as proposed in the application.

(3) Notify of damage. Notify the building inspector in writing of any and all damages done to property belonging to the city within 24 hours after the damage or injury has occurred.

(4) Display lights. Cause red lights to be displayed during the night time on every side of the building while standing on a street, in such manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in such manner as to protect the public from damage or injury by reason of the removal of the building.

(5) Street occupancy period. Remove the building from the city streets after four days of such occupancy unless an extension is granted by the mayor.

(6) Comply with governing law. Comply with the building code, the fire code, and the zoning ordinance and all other applicable ordinances and laws on relocating the building in the city.

(7) Pay expense of officer. Pay the expenses of a traffic officer ordered by the building inspector to accompany the movement of the building to protect the public from injury.

(8) Clear old premises. Remove all rubbish and materials and fill all excavations to existing grade at the original building site so that the premises are left in a safe and sanitary condition.

(9) Remove service connection. See that the sewer line is plugged with a concrete stopper, the water shut off, and the meter returned to the city water office. Permittee shall notify the gas and electric service companies to remove their services. (1977 Code, 12-507)

**16-608. Enforcement.** (1) Enforcing officers. The building inspector, the police department, and the department of public works shall enforce and carry out the requirements of this chapter.

(2) Permittee liable for expense above deposit. The permittee shall be liable for any expense, damages, or costs in excess of the deposited amounts or securities and the city attorney shall prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such excessive amounts.

(3) Original premises left unsafe. The city shall proceed to do the work necessary to leaving the original premises in a safe and sanitary condition where permittee does not comply with the requirements of this chapter, and the cost thereof shall be charged against the general deposit. (1977 Code, 12-508)

## CHAPTER 7

### LITTER, WEEDS, ETC.

#### SECTION

- 16-701. Littering streets and private property prohibited.
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**16-701. Littering streets and private property prohibited.** It shall be unlawful for any person or persons to throw, scatter, distribute or allow trash, rubbish, or litter to be scattered on the public streets and highways of the City Of Pulaski or to distribute, throw or scatter rubbish or litter on private and public property within the city. (1977 Code, § 12-901)

**16-702. Weeds, etc.** It shall be unlawful for any person or persons to permit on their property within the City of Pulaski the unrestricted growth or weeds, high grass and other vegetation, or the accumulation of trash, refuse, rubbish, litter, or any other substance, animal or thing, to such an extent that such growth or accumulation is injurious to the health and welfare of an inhabitant of the City of Pulaski. Provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection. (1977 Code, § 12-902)

**16-703. Open storage of appliances, inoperative vehicles, etc., prohibited.** It shall be unlawful for the owner or occupant of a building, structure or property to utilize the premises of such property for the open storage of any refrigerator, washing machine, dryer, television, microwave, window air conditioners, stove, and any other household appliances, glass, building rubbish or any motor vehicle that is not currently registered or has been incapable of operation for seventy-two (72) hours. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such property clean and to remove from the premises all such above mentioned items as listed above, and further to remove dead trees, trash, and garbage upon notice from the building inspector, chief of police or his designee.

The foregoing items if stored behind an opaque fence of at least six (6) feet in height shall be deemed not to be openly stored. (1977 Code, § 12-903, as replaced by Ord. #5, 2002, June 2002)

**16-704. Contractors, etc., to keep construction sites clean.** It shall be unlawful for the owner, agent or contractor in charge of any construction or demolition site to cause, maintain, permit or allow to be caused, maintained or permitted the accumulation of any litter on the site before, during or after completion of the construction or demolition project. (1977 Code, § 12-904)

**16-705. Loose cargo to be covered.** (1) It shall be unlawful for any person, firm, corporation, institution or organization to transport any loose cargo by truck or other motor vehicle within the corporate limits of the city unless said cargo is covered and secured in such manner as to prevent depositing of litter on public or private property.

(2) The duty and responsibility imposed by subsection (1) shall be applicable alike to the owner of the truck or other vehicle, the operator thereof, and the person, firm, corporation, institution or organization from whose residence or establishment the cargo originated.

(3) In the prosecution charging a violation of subsection (1), lack of adequate covering and securing shall in itself constitute proof a violation has been committed. (1977 Code, § 12-905)

**16-706. Suitable containers to be provided at packing and loading operations.** Any owner or occupant of an establishment or institution at which litter is attendant to the packing and unpacking and loading and unloading of materials at exterior locations shall provide suitable containers there for the disposal and storage of such litter and shall make appropriate arrangements for the collection thereof. (1977 Code, § 12-906)

**16-707. Violations.** Any person found to be in violation of this chapter shall be guilty of a misdemeanor and subject to a fine of not less than five (\$5.00) dollars nor more than fifty (\$50.00) dollars upon conviction of said offense in the Pulaski Municipal Court. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (1977 Code, § 12-907)

**16-708. Inspections; notice to remove; removal by city; reimbursement by owner.** The building inspector of the City of Pulaski or those persons he may designate, shall inspect any property within the City of Pulaski suspected of being in violation of this chapter. In the event the building inspector determines that a violation of this chapter exists, the building inspector will cause to be sent a notice to the property owners as shown upon the tax book of the city. Said notice shall advise the owners that there exists a violation of this chapter and that in the event compliance is not effected within ten (10) calendar days from the date of mailing such notice, the City of Pulaski will cause removal of the condition to be accomplished, and the expense thereof charged to the property and the owners thereof. The notice shall be forwarded

to the last known address of all owners of the subject property by registered or certified mail return receipt requested. In the event the removal of the offending condition shall not have been accomplished in the time allowed in the aforementioned notice, the building inspector is further authorized and directed to cause the removal to be done at the expense of the City of Pulaski. The building inspector shall then notify the owners of the property of the amount of such expense in the same manner as hereinabove, and shall further notify such owners that reimbursement of such expense is required within ten (10) days from date of such notice. (1977 Code, § 12-908)

**16-709. Abatement of conditions; owners' liability; expenses constitute lien; penalty and interest.** The street department of the City of Pulaski, after notification of the property owners as set out in § 16-708, shall have the authority to abate the conditions described in this chapter by removing from the property the condition or substance or thing causing the violation as hereinabove set forth. All owners of property shall be liable jointly and separately for the expense of removal of the condition, substance or thing upon their property, and the property itself shall be subject to suit for reimbursement of such expenses. In the event the expense of such removal shall not have been paid within the ten (10) day period allowed following notice as hereinabove provided, then the expenses shall be entered upon the tax books of the city as a lien against such parcel of property whereon such expense was incurred. In the event such expense shall not have been reimbursed by the date upon which taxes are due and payable for the year in which same was incurred, then the city recorder shall cause to be added to said amounts penalty and interest as are applicable to delinquent assessments which shall constitute a lien on property. (1977 Code, § 12-909)

**16-710. Appeal.** The owner of record who is aggrieved by the determination and order of the building inspector may appeal the determination to the board of mayor and aldermen. The appeal shall be filed with the city recorder within ten (10) days following the receipt of the notice pursuant to this chapter. The failure to appeal within this time period shall constitute a waiver of the right to a hearing. (1977 Code, § 12-910)

**16-711. Supplemental nature of this section.** The provisions of this section are in addition and supplemental to, and not in substitution for, any other provision in the municipal charter, this municipal code or other applicable law which permits the town to proceed against an owner, tenant or occupant of property who has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, weeds, underbrush, and/or the accumulation of debris, trash, litter, or garbage or any combination of the preceding elements. (1977 Code, § 12-911)

## CHAPTER 8

### PARADES

#### SECTION

- 16-801. Short title.
- 16-802. Definitions.
- 16-803. Purposes
- 16-804. Permit.
- 16-805. Application.
- 16-806. Standards for issuance.
- 16-807. Contents of permit.
- 16-808. Duties of permittee.
- 16-809. Revocation of permit.
- 16-810. Notice to city officials.
- 16-811. Violation and penalty.
- 16-812. Events held in multiple locations permitted.

**16-801. Short title.** This chapter shall be known and may be cited as the "Parade Chapter of the City of Pulaski." (1977 Code, § 12-1001)

**16-802. Definitions.** The following words, for the purpose of this chapter, shall have the following meanings:

(1) "Parade" is any meeting, parade, demonstration, exhibition, festival, homecoming, assembly, or other such event to be held in or upon any street, park, or other public place in Pulaski unless such event is entirely confined to city property governed by rules and regulations of the Department of Parks and Recreation of the City of Pulaski.

(2) "City" is the City of Pulaski.

(3) "Board of mayor and aldermen" is the board of mayor and aldermen of Pulaski.

(4) "City recorder" is the city recorder of Pulaski.

(5) "Chief of police" is the chief of police of Pulaski.

(6) "Parade permit" is a permit as required by this chapter.

(7) "Person" is any person, firm, group, partnership, association, corporation, company, or organization of any kind, including multiple organizations who may be working together. (1977 Code, § 12-1002, as amended by Ord. #7, 2011, Sept. 2011, and Ord. #7, 2012, Oct. 2012)

**16-803. Purposes.** (1) The City of Pulaski recognizes the constitutional right of every citizen to harbor and express beliefs on any subject whatsoever and to associate with others who share similar beliefs.

(2) The city passes this chapter to regulate the time, place, and manner of parades.

(3) The city passes this chapter in the interest of all its citizens' public safety, health, welfare, comfort, and convenience.

(4) The City of Pulaski has limited resources and passes this chapter so that it may properly allocate these resources among its citizens.

(5) The purpose of this chapter is to promote order, safety, and tranquility in the streets of the City.

(6) This chapter is passed to help minimize traffic and business interruptions during parades. (1977 Code, § 12-1003)

**16-804. Permit.** (1) No person shall parade unless a parade permit has been obtained from the board of mayor and aldermen. Any parade held without the proper permit shall be unlawful.

(2) This chapter shall not apply to funeral processions, students going to and from school classes or participating in educational activities or other school activities such as sports events, providing that such conduct is under the immediate direction and supervision of the proper school authorities and a governmental agency acting within the scope of its functions and in events sponsored by the city. (1977 Code, § 12-1004)

**16-805. Application.** (1) Any person seeking issuance of a parade permit shall file an application with the city recorder on forms provided by the city recorder. The city recorder shall place the request for a parade permit on the agenda of the next meeting of the board of mayor and aldermen for action by it in the normal course of business.

(2) The application for a parade permit shall be filed in writing with the city recorder not less than thirty (30) days prior to the contemplated parade or five (5) days prior to any regularly scheduled called meeting of the board of mayor and aldermen. No permit shall be granted sooner than one hundred eighty (180) days prior to the contemplated parade. A copy of the application shall be given to the chief of police who shall investigate and make a report to the board of mayor and aldermen.

(3) The application for a parade permit shall set forth the following information:

(a) The name, address, and telephone number of the person seeking to conduct a parade or of the organization and its responsible heads;

(b) The name, address, and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;

(c) The date when the parade is to be conducted;

(d) The route to be traveled, the starting point, and the termination point;

(e) The approximate number of persons who, and animals which, will constitute such parade; the type of animals and description of the vehicles;

- (f) The hours when the parade will begin and end;
- (g) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;
- (h) The location by streets of any assembly area(s);
- (i) The time at which units of the parade will begin to assemble at any assembly area(s);
- (j) The interval of space to be maintained between units of the parade; and
- (k) If the parade is to be held on behalf of any person other than the applicant, the authorization of that person.
- (l) Whether the applicant has been convicted for the violation of the city parade ordinance of the City of Pulaski.
- (4) The board of mayor and aldermen shall decide whether to grant the application for a permit. The board of mayor and aldermen may consult with the chief of police in making their decision.
- (5) The board of mayor and aldermen in cooperation with the chief of police shall have the authority to designate the starting point, route, terminal point, or other time, place, and manner restrictions as deemed proper in consideration of minimum traffic interruption, public safety, health, welfare, convenience, peace, or order. (1977 Code, § 12-1005)

**16-806. Standards for issuance.** (1) The mayor and board of aldermen shall issue a parade permit upon consideration of the application and other information obtained when they find that:

- (a) The conduct of the parade will not unduly interrupt the safe and orderly movement of other traffic contiguous to its route;
  - (b) The conduct of the parade will not require the diversion or interruption of essential or emergency municipal services, including police, fire, or ambulance services;
  - (c) The parade is scheduled to move from its origin to its termination expeditiously and without unreasonable delay;
  - (d) The applicant has satisfied the bond requirement; and
  - (e) No other permit has been granted for the same day.
- (2) A permit shall be granted to the first person properly applying under the requirements of this chapter.
- (3) No permit shall be granted for a parade except those which will be held between the hours of 6:00 A.M. and 12:00 midnight prevailing time.
- (4) No permit shall be granted to any person until the applicant has posted in advance a two hundred fifty (\$250.00) bond to cover the reasonable expenses incurred in the clean up efforts after the parade.
- (5) The city recorder shall notify the applicant within five (5) days after the action of the board of mayor and aldermen whether the permit has been granted or denied if the permit has been denied, the city recorder shall set forth the reasons why the board of mayor and aldermen denied the permit.



(6) In computing any period of time set out in this chapter, no Saturdays, Sundays, or holidays are to be computed in the time period. (1977 Code, § 12-1006, as amended by Ord. #8, 1997, July 1997, and Ord. #7, 2011, Sept. 2011)

**16-807. Contents of permit.** Each parade permit shall state the following:

- (1) Assembly and disassembly time and place;
- (2) Starting time;
- (3) The route and the portions of the streets to be traversed that may be occupied by the parade;
- (4) Minimum speed;
- (5) Maximum speed;
- (6) Interval of space between parade units;
- (7) The maximum length of the parade in miles or fractions thereof;
- (8) Other information as the board of mayor and aldermen in cooperation with the chief of police shall find necessary to the enforcement of this chapter. (1977 Code, § 12-1007)

**16-808. Duties of permittee.** (1) A permittee shall comply with all permit application information, permit directions and conditions, and with all applicable laws and chapters.

(2) The permittee shall advise parade participants of such permit requirements.

(3) The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the parade.

(4) All permittees who hold a parade permit that includes animals shall be responsible for the clean-up after the animals immediately after the parade.

(5) The applicant shall assure the board that neither the parade nor the assembly point will interfere with or unreasonably obstruct the response capabilities of the fire fighting equipment and other emergency response vehicles. (1977 Code, § 12-1008)

**16-809. Revocation of permit.** (1) The board of mayor and aldermen or their designee shall have the authority to revoke a parade permit issued hereunder prior to the parade upon the application of the standards for issuance as herein set forth if it is found that

(a) Applicant materially misrepresented facts or information in the application; and/or

(b) Applicant failed to meet the standards for issuance set forth herein.

(2) The board of mayor and aldermen or their designee shall have the authority to revoke the permit during the parade and disassemble the parade if

(a) A public emergency arises requiring such revocation to protect the safety of persons or property; or

(b) Disorderly conduct, riots, lawless activity, violence, or other breach of the peace, incited by parade participants, occurs. (1977 Code, § 12-1009)

**16-810. Notice to city officials.** Immediately upon the issuance of a parade permit, the city recorder shall send a copy of the permit to the following:

- (1) The mayor;
- (2) The city attorney;
- (3) The fire chief;
- (4) The ambulance authority; and
- (5) The chief of police. (1977 Code, § 12-1010)

**16-811. Violation and penalty.** (1) It shall be unlawful for any person to parade without first having obtained a permit as required by this chapter.

(2) It shall be unlawful for any person to participate in a parade on the streets of Pulaski for which a permit has not been granted.

(3) It shall be unlawful for any person to fail to comply with all directions and conditions of the parade permit.

(4) Any person violating the provisions of any section of this chapter shall, upon conviction, be fined not more than fifty dollars (\$50.00) for each violation. (1977 Code, § 12-1012)

**16-812. Events held in multiple locations permitted.** (1) In the event a person seeking to obtain a permit under this chapter desires to "parade" in multiple locations, compliance with the following requirements, in addition to those outlined by this chapter, shall be required.

The chiefs of police and fire certify to the board of mayor and aldermen that the added burden created by the parade's additional locations will not place an unreasonable burden on their respective department's resources.

(2) Approval of a permit which complies with this § 16-812 shall be left solely to the discretion of the board of mayor and aldermen. (as added by Ord. #7, 2011, Sept. 2011)

**CHAPTER 9****CLEAN STREETS AND PUBLIC WAYS****SECTION**

16-901. Intent.

16-902. Spilling of material and tracking of debris on public streets.

16-903. Penalties.

**16-901. Intent.** The spilling of vehicle loads and the tracking of debris on public streets of the city can be a dangerous and unsightly factor that can lead to damage to personal property and deterioration of public streets. The board of mayor and aldermen understands that the Tennessee Code Annotated, article 7, chapter 31, section 101, requires the City of Pulaski to keep the city streets in good repair and believes that allowing excessive dirt and debris to accumulate on city streets does not conform with this requirement. Further, the board of mayor and aldermen find that the spilling of vehicle loads and the tracking of debris can be a public nuisance, and recognizes that appropriate measures must be taken to keep public streets free from debris and other materials spilling from vehicles. Debris and other material spilling from vehicles may pose a danger of physical injury and property damage to motorists, pedestrians and other inhabitants of the City of Pulaski and cause the proliferation of dangerous, unsanitary or unsightly conditions within the city. This enactment is designed to protect, promote and preserve the health, safety and welfare of the citizens of the City of Pulaski, and control blighting and any dangerous, unsanitary or unsightly condition. (as added by Ord. #4, 2008, May 2008, and replaced by Ord. #2, 2011, April 2011)

**16-902. Spilling of material and tracking of debris on public streets.** It shall be unlawful for any property owner or for any person to operate, or permit to be operated, any vehicle upon the public streets of the City of Pulaski that spills material, or that is not free from debris that could be tracked onto the public streets in such a manner as to:

(1) Cause a safety hazard by interfering with the use or observation of any traffic signal, traffic sign, traffic device or street markings;

(2) Obstruct, impede or hinder normal traffic flow of any public street. To obstruct would mean to render passage unreasonably dangerous and/or potentially injurious to property or person;

(3) Create a likelihood that any spilled material or debris, as defined in subsection (5), shall be thrown into a windshield, create a punctured tire or cause any other property damage to any other vehicle, or property damage or personal injury to any person;

(4) Impede the flow of water in gutters or along streets or that would tend to clog drains, ditches or sewers; or

(5) Create, by the presence of any debris, an unsightly and aesthetically unpleasing condition within the City of Pulaski. Debris means the remains of any material broken down and tracked onto any highway by any vehicle including mud, dirt, rocks, brush and any other loose material. (as added by Ord. #4, 2008, May 2008, and replaced by Ord. #2, 2011, April 2011)

**16-903. Penalties.** (1) A violation of § 16-902 by any property owner or any other person shall be deemed a civil violation and shall be punishable by a fine not to exceed fifty dollars (\$50.00).

In addition to the fine prescribed above, the property owner or any other person operating or permitting the operation of a motor vehicle in violation of § 16-902 shall immediately cause the public street to be cleared of spilled material or debris, as defined herein. If traffic or other conditions are such that it would not be safe to remove the spilled material or debris, the person responsible for the spilled material or debris shall immediately notify the police department and request assistance.

(2) Upon a second violation of § 16-902, in addition to the penalties referenced in § 16-903(1), the chief of police, or a member of the police department he designates, shall investigate the alleged violation, and if after such investigation determines that there is a violation of § 16-902 then he shall issue, or cause to be issued, a "notice of violation" to the property owner or other person operating or permitting a motor vehicle to be operated in violation of this enactment.

The "notice of violation" shall be delivered to the property owner or other person operating or permitting the operation of a motor vehicle to be driven in violation of this enactment during normal business hours (9:00 A.M. - 5:00 P.M., Monday - Friday). The "notice of violation" shall state with specificity which subsection was violated, the date the violation occurred, the reason for the violation and the remedy that the City of Pulaski expects to be undertaken by the property owner or other person

The "notice of violation" shall further state that the property owner or other person receiving the notice shall have eight (8) hours to bring the public street into compliance with this enactment, with such compliance to be confirmed by the chief of police, or a member of the police department he designates.

If after the expiration of eight (8) hours the public street remains in violation of § 16-902, "no access" notices shall be placed at all points of egress of the offending premises to the street in violation, from which a violation has been allowed to occur. Nothing in this part shall be construed to prevent vehicles and equipment from leaving the offending premises for the purpose of achieving compliance with this enactment. These notices shall remain in place until such time as the chief of police, or a member of the police department he designates, confirms compliance with this enactment.

All reasonable efforts should be made by the City of Pulaski and any property owner or other person receiving the "notice of violation" to act responsibly and timely to achieve compliance with this enactment. The purpose of closing streets pursuant to this part is not to punish offending property owners, but rather to ensure that dirt and debris does not continue to be tracked or spilled upon the city streets during their cleanup. The closing of any public street pursuant to this enactment serves to ensure that minimal disruption of traffic and business occurs as a result of a violation of this enactment.

With respect to the receipt of three (3) or more "notices of violation" within a six (6) month period for a violation of § 16-902(1)-(5), the property owner or any other person operating or permitting the operation of a motor vehicle in conflict with this enactment shall be required to submit an action plan to the board of mayor and aldermen within seven (7) days before the next regularly scheduled meeting. The action plan shall provide the reason for the violations, efforts made to get the public street into compliance, and any proposed remediation plans to prevent future non-compliance.

Nothing in this part shall be construed to prevent the chief of police, or a member of his department, from consulting with the Pulaski Street Department to assist him in determining whether a violation of § 16-902(4) has occurred.

(3) Each day any violation of this section occurs shall constitute a separate offense.

(4) If it becomes necessary for the City of Pulaski to remove any spilled material or debris, the property owner or other person responsible shall be required to pay all reasonable costs incurred by the City of Pulaski for such removal. (as added by Ord. #4, 2008, May 2008, and replaced by Ord. #2, 2011, April 2011)