

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

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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 prohibited.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering.
- 16-108. Abutting occupants to keep sidewalks clean, etc.
- 16-109. Parades regulated.
- 16-110. Operation of trains at crossings regulated.
- 16-111. Animals and vehicles on sidewalks.
- 16-112. Obstruction of drainage ditches.
- 16-113. Violation and penalty.

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. (1970 Code, § 12-301)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley or sidewalk at a height of less than fourteen (14) feet. (1970 Code, § 12-302)

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

his property any tree, hedge, billboard, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1970 Code, § 12-303)

16-104. Projecting signs and awnings, etc., restricted. No person shall erect or maintain signs, awnings, or other projections which shall project from any building or structure over any sidewalk more than the width of the sidewalk. Furthermore, a clear space of not less than eight (8) feet shall be provided below all parts of such signs, awnings, or other projections. (1970 Code, § 12-304)

16-105. Banners and signs across streets and alleys prohibited. 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 city council. (1970 Code, § 12-305)

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. (1970 Code, § 12-306)

16-107. Littering. No person shall throw or deposit upon any street, alley, sidewalk, or public place any glass, nails, tacks, wire, cans or other substance likely to injure or damage any person, animal, or vehicle upon such street, alley, sidewalk, or public place. Any person who drops or permits to be dropped or thrown upon any such place any such destructive or injurious material shall immediately remove the same or cause it to be removed.

Any person removing a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped upon the street from such vehicle.

It shall also be unlawful for any person, firm or corporation to dispose of trash on the streets, sidewalks, or public property, or property of others. The term "trash" shall include cans, bottles, cartons, paper, and any item of refuse.

It shall also be unlawful for any person to drive vehicles on the streets so as to cause tracking or spilling of dirt, mud, gravel, coal, or other material onto the streets. Anyone who causes the tracking or spilling of such material onto any street shall promptly remove the same or cause it to be removed. (1970 Code, § 12-307)

16-108. 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, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1970 Code, § 12-309)

16-109. Parades regulated. It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets of the city without some responsible representative first securing a permit from the city recorder. No permit shall be issued by the city recorder unless such activity will not unreasonably interfere with traffic and unless such representative shall agree to see to the immediate cleaning up of all litter which shall be left on the streets as a result of the activity. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out his agreement to immediately clean up the resulting litter. (1970 Code, § 12-310)

16-110. 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 also be unlawful for any person operating a railroad train to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (1970 Code, § 12-311, modified)

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 to knowingly allow any minor under his control to violate this section. (1970 Code, § 12-312)

16-112. 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.

16-113. Violation and penalty. Any violation of this chapter shall constitute a civil offense and shall, upon conviction, be punishable under the general penalty provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense.

CHAPTER 2

EXCAVATIONS¹

SECTION

- 16-201. Excavation guidelines and permit requirements.
- 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.
- 16-210. Driveway curb cuts.
- 16-211. Violation and penalty.

16-201. Excavation guidelines and permit requirements. Any excavation on any public or private property within the city limits of Rockwood shall conform to the Tennessee Department of Environment and Conservation: Erosion and Sediment Control Handbook, second edition, March 2002, and any subsequent editions which may supercede it. It shall also be unlawful for any person, firm, corporation, association, or others, including utility districts to make any excavation of 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 recorder is open for business, and the permit shall be retroactive to the date when the work was begun. (as replaced by Ord. #07-1098, Dec. 2006)

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).

16-202. Applications. Applications for such permits shall be made to the city 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 approved by the city recorder within twenty-four (24) hours of its filing.

16-203. Fee. The fee for such permit shall be determined in accordance with the applicable provisions of the International Residential Code adopted by the City of Rockwood by separate ordinance. (as replaced by Ord. #11-99, March 2015)

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

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.

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 the 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 recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the city will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel.

16-207. 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 recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$150,000 for each person and \$350,000 for each accident, and for property damages not less than \$50,000 for any one (1) accident, and a \$75,000 aggregate.

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 recorder.

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 city and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences.

16-210. 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. 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. (1970 Code, § 12-206)

16-211. Violation and penalty. Any violation of this chapter shall constitute a civil offense and shall be punishable by a civil penalty under the general penalty provision of this code, by revocation of permit, or by both penalty and revocation. Each day a violation shall be allowed to continue shall constitute a separate offense.

CHAPTER 3

STREET NAMES AND PROPERTY NUMBERS

SECTION

16-301. Street names.

16-302. Property numbers.

16-301. Street names. There is hereby established an official system of street names in the City of Rockwood as shown on a map of record in the city recorder's office. The map is entitled "Rockwood, Tennessee," and is dated June 12, 1958.¹ It was produced by the Tennessee State Planning Commission and is incorporated herein and made a part of this section by reference.

The names of streets in the City of Rockwood shall remain as shown on said map unless officially changed by ordinance.

No new streets shall be accepted by the city nor any municipal improvements made therein until such streets have been named. If such new streets are extensions of existing streets, the existing names shall be continued; if not extensions, they shall be given names which neither duplicate nor closely approximate street names already assigned. (1970 Code, § 12-101)

16-302. Property numbers. There is hereby established a uniform system of numbering properties and principal buildings in the City of Rockwood as shown on the map entitled "Property Numbering System" of record in the city recorder's office. The map is incorporated herein and made a part of this section by reference.

All properties or parcels of land within the corporate limits shall hereafter be identified by reference to the uniform numbering system adopted herein. All existing numbers of properties and buildings not in conformity with this uniform system shall be changed by the owner so as to conform forthwith.

Within zone 1, as shown on the map, a separate number shall be assigned for each twenty-five (25) feet of frontage.

Within zone 2, a separate number shall be assigned for each fifty (50) feet of frontage.

¹See also Ord. #842, of record in the recorder's office, which purports to adopt a map entitled "Official Streets and Roads Map, Rockwood, Tennessee and Vicinity, Roane County, Tennessee," dated September, 1982. See also Ord. #843, of record in the recorder's office, which permanently closes an unopened alley; Ord. #941, dated August 17, 1992, and the list attached to Ord. #941 which was adopted as the official street names for the City of Rockwood; and Ord. #968, dated March 21, 1994, which quit claimed the alley right-of-way abutted on both sides by Paradise Baptist Church.

Each principal building shall bear the number assigned to the frontage on which the front entrance is located. In case a principal building is occupied by more than one business or family dwelling unit, each separate front entrance of such principal building shall bear a separate number. The numerals shall be posted in such a manner as to be visible from the street on which the property is located.

The Roane County Emergency 911 (E-911) system shall administer the numbering system. (1970 Code, § 12-102, modified)