

TITLE 16

STREETS AND SIDEWALKS, ETC.¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS.
3. BUILDING NUMBERING SYSTEM.
4. ALLEY CLOSINGS AND ABANDONMENT OF UNOPENED RIGHTS-OF-WAY.

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 owners or 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.
- 16-114. Skate boarding.
- 16-115. Maintenance of public street rights-of-way abutting private property within city limits.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person, including charities and charitable organizations, 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; except that, the owners of businesses abutting sidewalks shall be permitted to sell and exhibit goods, wares, merchandise and materials on such sidewalks. However such business owners shall not block the sidewalk or the access to any other business, dwelling or other building.

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

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 or over any sidewalk at a height of less than eight (8) feet. (1975 Code, § 12-101)

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. (1975 Code, § 12-102)

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 (1975 Code, § 12-103)

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 commissioners after a finding that no hazard will be created by such banner or sign. (1975 Code, § 12-104)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by statute. (1975 Code, § 12-105)

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. (1975 Code, § 12-106)

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. (1975 Code, § 12-107)

16-109. Abutting owners or occupants to keep sidewalks clean, etc. The owners or occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such

¹Municipal code reference

Building code: title 12, chapter 1.

occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1975 Code, § 12-108, modified)

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 city recorder. (1975 Code, § 12-109)

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. (1975 Code, § 12-110, 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 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. (1975 Code, § 12-111)

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. (1975 Code, § 12-112)

16-114. Skate boarding. 1. Definitions. a. "Business district" means the downtown business district designated on the zoning map for the Town of Spring City as C-1 and C-2.

b. "Residential district" means the districts designated on the zoning map for the Town of Spring City as R-1, R-2, R-3, and R-4.

c. "Skate boarding" or "skate boards" means a device with wheels with or without handle bars for riding upon, usually standing.

2. Prohibition in certain areas. It shall be unlawful for any person to operate or ride a "skate board" on any street, alley, sidewalk, public parking lot, Veteran's Park, or at any other location which is zoned C-1 or C-2.

3. Prohibition on private property. It shall be unlawful to operate or ride a skate board on private property in the area zoned as C-1 or C-2 where signs have been posted at the entrance or displayed prominently on the property prohibiting the use of skate boards.

4. Restrictions in residential areas. It shall be unlawful to operate or ride a skate board on any residential public street or sidewalk zoned R-1, R-2, R-3, or R-4 between the hours of 6:00 P.M. and 7:00 A.M. during Eastern Standard Time and between the hours of 9:00 P.M. and 7:00 A.M. during Daylight Savings Time. (as added by Ord. #42-05, March 2005)

16-115. Maintenance of public street rights-of-way abutting private property within city limits. (1) It is unlawful for any person to allow the accumulation of any waste, waste paper, cans or other materials, litter, garbage, trash or rubble of any kind on the public right-of-way of any street or alley immediately adjacent to and abutting that person's property. The owner and/or occupant of property shall also keep rights-of-way upon which the private property abuts mowed and weedeated.

(2) A fine of up to fifty dollars (\$50.00) per day may be levied to offenders in violation of this section. (as added by Ord. #2019-03, June 2019 *Ch10_2-6-20*)

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.
- 16-210. Driveway curb cuts.

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 city manager is open for business, and said permit shall be retroactive to the date when the work was begun. (1975 Code, § 12-201, Ord. #128, _____)

16-202. Applications. Applications for such permits shall be made to the city manager, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and 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 city recorder within twenty-four (24) hours of its filing. (1975 Code, § 12-202, Ord. #128, _____, modified)

16-203. Fee. The fee for such permits shall be five dollars (\$5.00). (1975 Code, § 12-203, as amended by Ord. #128, _____)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the city manager a cash deposit. The deposit shall be in the sum of twenty-five dollars (\$25.00) if no pavement is involved or seventy-five dollars (\$75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and, laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the city manager may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the 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 city recorder a surety bond in such form and amount as the city manager shall deem adequate to cover the costs to the town if the applicant fails to make proper restoration. (1975 Code, § 12-204, Ord. #128, _____)

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. (1975 Code, § 12-205, Ord. #128, _____)

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 said 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 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 city manager shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the 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. (1975 Code, § 12-206, Ord. #128, _____)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the city manager in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$100,000 for each person and \$300,000 for each accident, and for property damages not less than \$25,000 for any one (1) accident, and a \$75,000 aggregate. (1975 Code, § 12-207, Ord. #128, _____)

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 city manager. (1975 Code, § 12-208, Ord. #128, _____)

16-209. Supervision. The person designated by the city manager shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the 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. (1975 Code, § 12-209, Ord. #128, _____)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the city manager. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1975 Code, § 12-210, Ord. #128, _____)

CHAPTER 3

BUILDING NUMBERING SYSTEM

SECTION

- 16-301. Designation of street numbers.
- 16-302. Posting of designated street address.
- 16-303. New structures.
- 16-304. Penalties.

16-301. Designation of street numbers. (1) Street numbers for dwelling units and places of business on all public and private streets shall be assigned by the planning commission in accordance with its administrative procedures.

(2) The Spring City Regional Planning Commission shall keep a record of all public and private street names along with the number ranges assigned. (Ord. #228, Aug. 1992)

16-302. Posting of designated street address. (1) The owner or occupant or person in charge of any house or building to which a number has been assigned will be notified in writing by the zoning inspector of the number assigned to the same at any time after the adoption of this chapter.

(2) Within sixty (60) days after the receipt of such written notification from the zoning inspector, the owner or occupant or person in charge of a house or building to which a number has been assigned shall affix the number in a conspicuous manner in a conspicuous place, visible from the street.

(3) It shall be the duty of such owner or occupant or person in charge thereof upon affixing the new number to remove any different number which might be mistaken for, or confused with, the number assigned to said structure by the commission.

(4) Each principal building shall display 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 may display a separate number. An alternate location shall be on both sides of a mailbox when the location of the mailbox clearly defines and identifies the numbered property. The alternate site can only be used when the number affixed to the front of the building cannot be visually seen from the road.

(5) Numerals indicating the official numbers for each principal building or each front entrance to such building shall be posted in a manner as to be legible and distinguishable from the street on which the property is located.

(6) Numbers must be black or brass in color and three (3) inches minimum height. (Ord. #228, Aug. 1992)

16-303. New structures. (1) Numbers will be assigned to each proposed lot or tract on the surveyors' copies of final subdivision plats by the Spring City Planning Commission.

(2) No building permit shall be issued for any principal building until the owner or developer has procured from the zoning inspector of Spring City the official number of the premises. (Ord. #228, Aug. 1992)

16-304. Penalties. In the event that the owner or occupant or person in charge of any house or building refuses to comply with the terms of this chapter by failing to affix the number assigned within sixty (60) days after notification, or by failing within said period of sixty (60) days to remove any old numbers affixed to such house, or house entrance, or elsewhere, which may be confused with the number assigned thereto. The penalty shall be deemed a misdemeanor, and shall be punished in accordance with the general penalty provisions of this municipal code of ordinances (Ord. #228, Aug. 1992)

CHAPTER 4

ALLEY CLOSINGS AND ABANDONMENT OF UNOPENED RIGHTS-OF-WAY

SECTION

16-401. Policy.

16-402. Steps to be followed.

16-401. Policy. (1) In designing a policy to properly route requests for such closures and ensure that the public interest is maintained, it is suggested that the town officials adopt a formal procedure designed to allow for the closing of unopened or abandoned rights-of-way.

However, the requirements placed on petitioners should ensure that these closings:

(a) Fulfill all legal requirements with regards to divisions of property and proper review by all relevant governmental bodies.

(b) Conform to established planning and platting principles so as to ensure an accurate representation and division of the property presented for consideration.

(c) Be approved only when the petitioners have demonstrated that the property has no current public use and is not a part of the town's future use plans.

(d) Be approved only under certain conditions, reserving to the town certain rights to use of the property as Spring City continues to develop. Prior to plat submittal, petitioner should make agreements with all appropriate utility providers on the following: existing utility locations or utility relocation, town retaining existing easements or new utility easement locations, and cost of utility relocation. The cost to relocate will be determined by the utility providers at the time of the actual relocation.

(2) In developing such a policy, petitioners are required to submit to the planning commission a final plat meeting the specifications as outlined in the Spring City Municipal Planning Commission Subdivision Regulations (a summary is listed below, but petitioners should refer to the subdivision regulations for the exact specifications prior to submittal):

(a) Preparation by a surveyor licensed by the State of Tennessee, name, address and seal affixed;

(b) The name, address and signatures of all abutting property owners indicating approval or disapproval of the abandonment;

(c) Exact boundary lines of the existing alley and abutting properties by bearings and distances;

(d) Exact boundary lines of the proposed division of property by bearings and distances;

(e) North point, graphic scale and date;

- (f) Existing streets, buildings, watercourses, railroads, culverts, utilities and easements on and adjacent to the tract;
- (g) Show proposed location(s) of utility line(s) and utility easement(s), if utility relocation is required;
- (h) Review by, and signature of, the appropriate Spring City Department Officials;
- (i) Review by, and signature of, all associated utility providers;
- (j) Review by, and recommendation from, the Spring City Municipal Planning Commission; and
- (k) The payment of a filing fee (when required). (as added by Ord. #2011-02, March 2011)

16-402. Steps to be followed. (1) Petitioner files a request with the Spring City Municipal Planning Commission in writing for an alley or unopened right-of-way abandonment and presents a tax map showing alley location and all adjoining properties.

(2) Planning commission staff along with the chairman/or designee consult with various town departments to determine the current or future usefulness of the alley or unopened right-of-way.

(3) If necessary, petitioner makes agreement(s) with utility providers for utility locations and/or utility easements and shows this on the tax map. Petitioner will be financially responsible for all utility relocation expenses.

(4) Petitioner requests a recommendation from the planning commission on the abandonment of the alley. This recommendation in no way assures that the town legislative body will approve an ordinance to abandon the alley.

(5) If the planning commission chooses to recommend for abandonment of the alley, an alley abandonment ordinance will be sent to the town legislative body. This ordinance will be prepared by planning staff. This ordinance for abandonment will be contingent upon the petitioner submitting a plat to the planning commission and the plat being approved.

(6) If the town legislative body approves the alley abandonment ordinance, the petitioner will next submit a plat to the Spring City Planning Commission for review. Petitioner assumes all financial responsibilities for platting costs. The plat will be reviewed by staff for compliance to the Spring City Subdivision Regulations. When utility easements are required, a permanent utility easement is granted to utility providers.

The easement(s) shall be shown on the plat and written in an agreement with the utility department and/or any easements, deeds or ordinances documenting the utility providers' rights in such easements. The petitioner(s) shall bear the expense of all deed preparation, filing and recording fees. (as added by Ord. #2011-02, March 2011)