

## TITLE 16

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

#### CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. SUBDIVISION INFRASTRUCTURE REIMBURSEMENT.

#### 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. 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. Damaging sidewalks, etc., with salt, etc.

**16-101. Obstructing streets, alleys, or sidewalks prohibited.** No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials unless specifically authorized by council. (1983 Code, § 12-101)

**16-102. Trees projecting over streets, etc., regulated.** It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1983 Code, § 12-102)

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

**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. (1983 Code, § 12-103)

**16-104. Projecting signs and awnings, etc., restricted.**

Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.<sup>1</sup> (1983 Code, § 12-104)

**16-105. Banners and signs across streets and alleys restricted.**

It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the city council after a finding that no hazard will be created by such banner or sign. (1983 Code, § 12-105)

**16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law. (1983 Code, § 12-106)

**16-107. Littering streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1983 Code, § 12-107)

**16-108. Obstruction of drainage ditches.** It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1983 Code, § 12-108)

**16-109. Abutting occupants to keep sidewalks clean, etc.** The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1983 Code, § 12-109)

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<sup>1</sup>Municipal code reference

Building code: title 12, chapter 1.

**16-110. Parades regulated.**<sup>1</sup> (1) Definitions. For purposes of this section, a parade is defined as any organized public procession on a street or roadway for the purpose of celebrating an event or occurrence or for the purpose of public demonstration. A funeral procession does not constitute a parade for purposes of this section.

(a) Parade application procedure. All individuals, groups or entities, "Applicant," that proposes to conduct a parade upon any street within the city limits of the City of Trenton shall comply with the following procedures:

(i) The application shall be submitted to the city recorder no less than thirty (30) calendar days prior to the date and time of the commencement of the parade.

(ii) The police chief, fire chief and mayor will review and approve or deny all parade applications.

(iii) It shall be a civil offense for an individual, group or entity to knowingly organize, engage in, participate in, aid or commence a parade upon any street of the city without making written application for and receiving a parade permit and complying with this section.

(2) Application requirements. (a) The application shall contain the following information and shall be signed by the applicant:

(i) The name, address and telephone number of the applicant and of any other persons, organizations, firms or corporations on whose behalf the application is made.

(ii) Date requested for the parade and the proposed schedule of start and stop times.

(iii) The specific route (include a map) to be traveled including city, county highway numbers and physical location and the starting and termination points.

(iv) A brief description of the proposed activities.

(v) Staging areas for the start of the parade and disassembly areas at the termination point must be designated and fully described. Applicant must sign a statement that all staging and disassembly areas on private or public property have been approved by the owner/management authorizing the use of property. The name, address and phone numbers for the owner/manager authorizing the use of property must be included in the application, including without limitation public rights-of-ways and property operated by the city, if applicable.

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<sup>1</sup>A copy of the City of Trenton, Tennessee, application for a permit to conduct a parade is available in the office of the city recorder.

(vi) The estimated number of persons to participate in the parade.

(vii) The estimated number, if any, of animals without riders, animals with riders, animal-drawn vehicles, floats, motor vehicles, motorized displays.

(viii) A signed statement ensuring that each marching unit or organization will only be allowed to conduct a stationary performance at the judges' stand. The marching unit or organization shall then continuously march along all other portions of the parade route.

(ix) A signed statement that sponsors will ensure that assembly and disassembly of the parade will be directed and orderly so as not to block or interfere with traffic flow.

(x) A signed statement ensuring that the applicant will be responsible for the ground maintenance of the assembly and disassembly areas that occur in public rights-of-way including without limitation cleaning and removal of animal droppings.

(xi) A signed statement ensuring that the applicant understands the following:

(3) Horse units. Horse units may be permitted under the following conditions:

(a) All horses must be under the control of a responsible person at all times.

(b) Riders may not consume intoxicating beverages immediately before or during the parade.

(c) There must be an individual unit following horse formation to clean up the debris from the horses on the parade route.

(4) Prohibited acts. (a) Candy, gum, beads, paper or any other article(s) shall not be thrown from any type of vehicle during a parade. This shall include, but not be limited to, persons on horseback.

(b) Parade participants, spectators, and the public are prohibited from disembarking from or attempting to board a moving vehicle during a parade.

(c) Vendors are not to be on the street from 10:00 A.M. until 12:30 P.M.

(d) No motorized units shall exceed ten (10) miles per hour while on the parade route. No motorized units shall be driven in a reckless manner. The mayor, police chief and fire chief may establish other conditions as deemed appropriate.

(e) There shall be no open display or consumption of intoxicating beverages on or in floats or units. No person operating a motor vehicle within the parade or at any time two (2) hours prior to the parade, or be under the influence of alcohol or controlled substances at any time during the parade.

(f) No floats or units shall include any vulgar or obscene act, shall contain vulgar, obscene or offensive language, contain anything defamatory or otherwise offensive to the general members of the community. No person shall use vulgar, obscene or derogatory language while on a float or unit.

(5) Parade floats. Any float either pulled or self-propelled will be approved by the mayor, fire chief and/or police chief.

(6) Issuance of parade permit. Upon receipt of the parade application, the city recorder shall normally furnish to the applicant, within fifteen (15) working days, excluding Saturdays, Sundays and legal holidays, appropriate approval or denial of the application. Approval or denial of the application may be delayed if the applicant fails to give complete information, if the proposed route requires staff research or if other aspects of the application require staff review that exceeds the normal process.

In the event the application reveals that the parade staging, parade route and parade disassembly requested will interfere with the orderly flow of vehicular or pedestrian traffic, the police chief, fire chief and mayor shall have authority to establish a reasonable alternate route and to regulate the width and the duration of the parade.

(7) Denial of parade permit. The police chief, fire chief and mayor shall deny an application (permit) when:

(a) The applicant fails to provide complete information on the application required under this section.

(b) The movement of the parade will conflict in time and location with another parade for which a permit has previously been granted.

(c) The parade could damage roadways or other facilities of the city.

(d) The applicant refuses to sign a statement ensuring that each marching unit or organization will only be allowed to conduct one (1) stationary performance at the judges' stand during the parade route.

(e) The applicant refuses to sign a statement ensuring that appropriate property owner/managers have authorized their property for use as staging and disassembly areas.

(f) The applicant refuses to sign a statement ensuring that the parade assembly and disassembly will be directed and orderly so as not to block or interfere with traffic flow.

(8) Revocation of permit. (a) The police chief, fire chief and/or mayor shall revoke a parade permit when the information contained in the application is found to be inaccurate in any material detail.

(b) The police chief, fire chief and/or mayor may revoke the parade permit if the parade fails to begin within thirty (30) minutes of the appointed time of commencement.

(c) The police chief, fire chief and/or mayor may revoke the parade permit if the applicant misrepresents the number of participants in the parade.

(d) The police chief, fire chief and/or mayor shall revoke a parade permit based on reasonable grounds to believe that the parade is being conducted in a manner constituting a danger to any person or property.

(e) The police chief, fire chief and/or mayor shall revoke a parade permit for failure to comply with this section.

(9) Indemnification. An applicant and/or the sponsors and/or any other individual or entity reasonably required by the city must execute a written indemnity agreement, in the form and substance required by the city, indemnifying and holding harmless the city and its officers and employees and parties in interest with the city against all claims, damages or causes of action arising from the parade resulting in injury, damage or death to persons or property, whether public or private. The applicant shall take all reasonable measures necessary to protect the parade participants. Insurance shall be furnished prior to the parade in the form, substance and limits required by the City of Trenton. (1983 Code, § 12-110, as replaced by Ord. #252, March 2008)

**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. (1983 Code, § 12-111, modified)

**16-112. Animals and vehicles on sidewalks**. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1983 Code, § 12-112)

**16-113. Fires in streets, etc.** It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (1983 Code, § 12-113)

**16-114. Damaging sidewalks, etc., with salt, etc.** It shall be unlawful for any person to place salt or any other chemical or substance upon the sidewalks, curbs, and gutters of the city which results in the discoloration, deterioration, or damage to same. Any person violating this section shall be punished as authorized under the general penalty clause for this code and further shall be financially responsible for the replacement and/or repair of said damage to said sidewalk, curb, or gutter. (1983 Code, § 12-114)

## 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 recorder is open for business, and said permit shall be retroactive to the date when the work was begun. (1983 Code, § 12-201)

**16-202. Applications.** Applications for such permits shall be made to the city building inspector, or such persons as the building inspector 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 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 applications shall be rejected or

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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).

approved by the city building inspector within twenty-four (24) hours of filing. (1983 Code, § 12-202, as replaced by Ord. #262, Dec. 2008)

**16-203. Fee.** The fee for such permits shall be twenty-five dollars (\$25.00). (1983 Code, § 12-203, as replaced by Ord. #262, Dec. 2008)

**16-204. Deposit or bond.** No permit shall be issued unless and until the applicant therefor has deposited with the city building inspector a cash deposit. The amount is to be determined by the city building inspector. The deposit shall be a sum to insure the proper restoration of the ground and laying of the pavement, if any. The unused portion of the deposit shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored. The applicant shall be responsible for any additional costs if the original deposit is not sufficient to cover the proper restoration.

In lieu of a deposit the applicant may provide a surety bond in such form and amount as the city building inspector shall deem to be adequate to cover the costs to the city if the applicant fails to make proper restoration. (1983 Code, § 12-204, as replaced by Ord. #262, Dec. 2008)

**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. (1983 Code, § 12-205)

**16-206. Restoration of streets, etc.** Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this city shall restore said street, alley or public place to its original condition using the infrared heat patching method unless other arrangements have been made in advance with the city. The city will give notice to the entity making the excavation or tunnel of a specified reasonable time by which restoration must be accomplished. If restoration has not been completed within the specified time, the work will 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 failing to perform restoration. (1983 Code, § 12-206, as replaced by Ord. #262, Dec. 2008, and Ord. #276, Oct. 2012)



**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 applicant is insured against claims for damages for personal injury as well as against claims for property damage which may arise from and out of the performance of the work, whether such performance be by applicant, applicant's subcontractor or anyone directly or indirectly employed by applicant. 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 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 \$300,000.00 for each person and \$700,000.00 for each accident, and for property damages not less than \$100,000.00 for any one (1) accident, and a \$225,000.00 aggregate. (1983 Code, § 12-207, as replaced by Ord. #262, Dec. 2008)

**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 is completed. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the city building inspector. (1983 Code, § 12-208, as replaced by Ord. #262, Dec. 2008)

**16-209. Supervision.** The city 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. (1983 Code, § 12-209, as replaced by Ord. #262, Dec. 2008)

**16-210. Driveway curb cuts.** No one shall cut, build, or maintain a driveway across a curb or sidewalk without obtaining a permit from the city 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 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 to separate said driveways. Driveway aprons shall not extend out into the street. (1983 Code, § 12-210, as replaced by Ord. #262, Dec. 2008)

### CHAPTER 3

#### SUBDIVISION INFRASTRUCTURE REIMBURSEMENT

##### SECTION

16-301. Amount of reimbursement.

16-302. Time limit for reimbursement.

16-303. Developer responsibility for fees.

16-304. Discontinuance of program.

**16-301. Amount of reimbursement.** The developer of an approved subdivision within the city limits of the City of Trenton shall be eligible for reimbursement of infrastructure costs incurred by the developer. The maximum reimbursement shall be \$1000 per lot for the first twenty lots sold and \$1500 for each lot sold after the twentieth lot. (Ord. #202, July 1998)

**16-302. Time limit for reimbursement.** The reimbursement shall be paid to the developer upon the sale of each lot for a period of five years from the date the subdivision plat is recorded. (Ord. #202, July 1998)

**16-303. Developer responsibility for fees.** The developer shall pay any recording, permit or tap fees. (Ord. #202, July 1998)

**16-304. Discontinuance of program.** The City Council of the City of Trenton may suspend or discontinue this infrastructure reimbursement at any time at its discretion. (Ord. #202, July 1998)