

TITLE 16

STREETS AND SIDEWALKS, ETC.¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS.
3. CURB CUTS.

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. Animals and vehicles on sidewalks.
- 16-112. Fires in streets, etc.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials.

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 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.

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

Property maintenance regulations: title 13.

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any private property owner or occupant of private property in the Town of Walden 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. (Ord. #89, Oct. 1985)

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

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across or above any public street or alley except when expressly authorized by the board of mayor and aldermen after a finding that no hazard will be created by such banner or sign.

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.

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.

16-108. Obstruction of drainage ditches. (1) The Board of Mayor and Alderman of the Town of Walden shall appoint a Driveway Drainage Inspector. It shall be the responsibility of such inspector to coordinate with the Building Inspection Department of Hamilton County, Tennessee, which department also serves as the Building Inspector for the Town of Walden, to inspect each new construction site within fifteen (15) days after a building permit is issued, to inform the owner of the property of the requirements for installation of driveways, and to make a subsequent inspection to determine that each driveway installed has been constructed in accordance with the specifications set out in the Subdivision Regulations of the Town of Walden, upon notification from the property owner or his agent that such construction is complete and ready for inspection.

¹Municipal code reference
Building code: title 12.

Each property owner shall be charged and shall pay a total fee of twenty-five dollars (\$25.00) for such driveway inspections.

The Driveway Drainage Inspector shall receive the sum of twenty dollars (\$20.00) for each final inspection made by him for completed construction of each driveway, or driveways, from each separate property owner's property. The remaining portion of the fee in the amount of five dollars (\$5.00) shall be retained by the Town of Walden to cover the expenses of administering this program of driveway drainage inspection.

(2) It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right-of-way. (Ord. #97, Oct. 1986, as modified)

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.

16-110. Parades, etc., regulated. It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the town recorder.

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 or street or alley in such manner as unreasonably interferes with or inconveniences pedestrians using the sidewalk or street or alley. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section.

16-112. 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.

CHAPTER 2

EXCAVATIONS¹

SECTION

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

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, including utility districts to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter. It shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the town recorder is open for business, and the permit shall be retroactive to the date when the work was begun.

16-202. Applications. Applications for such permits shall be made to the town recorder, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating

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).

to the work to be done. Such application shall be rejected or approved by the town recorder within twenty-four (24) hours of its filing.

16-203. Fee. The fee for such permits shall be twenty dollars (\$20.00).

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the town recorder a cash deposit. The deposit shall be in the sum of five hundred dollars (\$500.00) if no pavement is involved or one thousand dollars (\$1,000.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and, laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the town recorder may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the town of relaying the surface of the ground or pavement, and of making the refill if this is done by the town or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the town recorder a surety bond in such form and amount as the town recorder shall deem adequate to cover the costs to the town if the applicant fails to make proper restoration.

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 town shall restore the street, alley, or public place to its original condition except for the surfacing, which shall be done by the town but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the town recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the town will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the town, an accurate account of the

expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel.

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

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the town if the town restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the town recorder.

16-209. Supervision. The person designated by the board of mayor and aldermen shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the town and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences.

CHAPTER 3

CURB CUTS

SECTION

- 16-301. Permit required.
- 16-302. Requirements.
- 16-303. Application contents and fee.
- 16-304. Exercise of police power.
- 16-305. Violation; penalties.

16-301. Permit required. A "curb cut permit" shall be required for any curb cut made to any public right-of-way within the town and will be issued only upon the submission of a curb cut permit application (the "application").¹ (as added by Ord. #2013-296, Sept. 2013)

16-302. Requirements. (1) All curb cuts and the location of such curb cuts shall be approved by the board of mayor and aldermen of the town (the "board") or a designee of the board that has experience in the field of traffic engineering/analysis, such designee to include without limitation a traffic engineer with the Tennessee Department of Transportation. When determining whether to approve any such curb cut permit, the board or its designee shall consider customary traffic standards and best practices and may consider without limitation the following:

- (a) The lot size and the adequate number of curb cuts;
- (b) The need to locate curb cuts as far as practically possible from intersections;
- (c) The width of the applicable driveways;
- (d) The need to have driveways located perpendicular to the street line; and
- (e) The need to have adequate sight lines.

(2) All curb cuts on state roads shall require approval from the Tennessee Department of Transportation. The board, or its designee, may impose reasonable conditions upon the issuance of a curb cut permit or deny such curb cut permit if it finds that the granting of the curb cut permit would result in, create, or constitute a detriment to the town and the safety and welfare of its citizens. (as added by Ord. #2013-296, Sept. 2013)

16-303. Application contents and fee. The application shall be submitted a minimum of ten (10) days prior to any work being performed with respect to the curb cut and shall include the following:

¹The application for a curb cut permit is of record in the recorder's office.

- (1) A map identifying the location of the proposed curb cut.
- (2) A statement whereby the property owner agrees to defend, indemnify and hold harmless the town from any liability arising from the permitted activity and agreeing to abide by any conditions imposed upon the curb cut permit, the provisions of this chapter and all other laws, rules and regulations of the town.
- (3) In the case of curb cuts on non-residential properties, a traffic study prepared by an engineer licensed under the laws of the State of Tennessee. (as added by Ord. #2013-296, Sept. 2013)

16-304. Exercise of police power. This chapter is enacted as an exercise of the town's police powers and shall not be construed to impose any duty by the town or the board to the property owner or to any member of the public, nor shall any curb cut permit be construed as a waiver of any violation of ordinance or any rules and regulations of the town or the State of Tennessee. (as added by Ord. #2013-296, Sept. 2013)

16-305. Violation; penalties. It shall be a misdemeanor for any person, corporation or other organization to violate any of the provisions of this chapter or the conditions imposed upon any curb cut permit issued hereunder, which shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00). (as added by Ord. #2013-296, Sept. 2013)