

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. ORGANIZATIONS USING CITY PROPERTY.
4. LITTERING.

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. Deleted.
- 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.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any city owned street, alley, sidewalk, or right-of-way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials without prior written consent of the city council and which consent shall not be given more than two (2) times per year. (1974 Code, § 12-101, as amended by Ord. #_____, Dec. 1991)

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

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

(14) feet or over any sidewalk at a height of less than eight (8) feet. (1974 Code, § 12-102)

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. (1974 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. (1974 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. (1974 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 statute. (1974 Code, § 12-106)

16-107. Deleted. (1974 Code, § 12-107, as deleted by Ord. dated Aug. 13, 2005)

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. (1974 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. (1974 Code, § 12-109)

16-110. Parades, etc., regulated. It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder. No permit shall be issued by the 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 clean up the resulting litter immediately . (1974 Code, § 12-110)

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 twenty (20) consecutive minutes. (1974 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 to unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person to knowingly allow any minor under his control to violate this section. (1974 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. (1974 Code, § 12-113)

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fees.
- 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. (1974 Code, § 12-201)

16-202. Applications. Applications for such permits shall be made to the 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 recorder within twenty-four (24) hours of its filing. (1974 Code, § 12-202)

16-203. Fees. 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. (1974 Code, § 12-203)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder 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 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 Watertown 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 recorder 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. (1974 Code, § 12-204)

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. (1974 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 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 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. (1974 Code, § 12-206)

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 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. (1974 Code, § 12-207)

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 of Watertown 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 recorder. (1974 Code, § 12-208)

16-209. Supervision. The recorder 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. (1974 Code, § 12-209)

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 recorder. 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. (1974 Code, § 12-210)

CHAPTER 3**ORGANIZATIONS USING CITY PROPERTY****SECTION**

16-301. Insurance required.

16-301. Insurance required. All organizations using the public square and blocking off city streets to traffic for special events or functions are required to obtain liability insurance in the amount equal to the amount that the City of Watertown has in effect at the time of the function and that said organization so holding a function on city property and city streets shall provide to the City of Watertown a certificate of insurance naming the City of Watertown, Tennessee, as an additional insured. (Ord. #____, Dec. 1991)

CHAPTER 4

LITTERING

SECTION

- 16-401. Definitions.
- 16-402. Violations and penalties.
- 16-403. Persons authorized to initiate prosecution.
- 16-404. Deposit in public places.
- 16-405. Placement in receptacles to prevent scattering.
- 16-406. Sweeping into gutters, cleanliness of sidewalks.
- 16-407. Throwing by persons in vehicles.
- 16-408. Evidence of throwing from vehicles.
- 16-409. Truck loads causing litter, tires carrying mud, oil or other substance.
- 16-410. Dropping from aircraft.
- 16-411. Deposit in parks.
- 16-412. Lakes and fountains.
- 16-413. Occupied private property.
- 16-414. Maintenance of property.
- 16-415. Posting notices.
- 16-416. Abandoned automobiles.
- 16-417. Vacant lots.
- 16-418. Distributing in public places.
- 16-419. Placing on vehicles.
- 16-420. Depositing on vacant premises.
- 16-421. Distribution on posted private property.
- 16-422. Distribution at inhabited private premises.

16-401. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

(1) "Aircraft" means any contrivance known or invented, used or designed for navigation and for flight in the air. The term "aircraft" shall include helicopters, lighter-than-air dirigibles, blimps and balloons.

(2) "Authorized private receptacle" means a litter storage and collection receptacle.

(3) "Commercial handbill" means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper booklet or any other printed or otherwise reproduced original or copy of any matter of literature.

(4) "Garbage" means putrescible animal and vegetable waste resulting from transporting, handling, preparation, cooking and consumption of food.

(5) "Litter" means garbage, refuse and rubbish and all other waste material.

(6) "Newspaper" means any newspaper of general circulation, or any newspaper duly entered with the Postal Service of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law and, in addition, means and includes any periodical or current magazine regularly published with not less than four issues per year and sold to the public.

(7) "Non-commercial handbill" means any printed or written matter, any sample, device, dodger, circular leaflet, pamphlet, newspaper, magazine, paper booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the definition of a commercial handbill or newspaper.

(8) "Park" means a public park, reservation, playground, recreation center or any other public area in the city and the buildings and structures thereon owned or used by the city and devoted to active, inactive or passive recreation.

(9) "Private premises" means any privately owned parcel of land, dwelling, house, building or other structure designed or used either wholly or in part for private residential purposes, whether inhabited temporarily or continuously and whether uninhabited or vacant, and includes any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such land, dwelling, house, building or other structure.

(10) "Public place" means any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, grounds and buildings and commons.

(11) "Refuse" means all organic and inorganic waste (except body waste), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned or junk automobiles, other junk, market and industrial waste.

(12) "Rubbish" means nonputrescible waste consisting of both combustible and noncombustible waste, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

(13) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public way, including devices used exclusively upon stationary rails or tracks. (as added by Ord. dated Aug. 12, 2003)

16-402. Violations and penalties. Any person who violates a section of this article shall be punished by a penalty of not less than \$25.00 and not more than \$50.00. However, the judge in his discretion may allow an individual convicted of a violation of this article to remove the litter from a section of the state highway system or city street system in lieu of such penalty. (as added by Ord. dated Aug. 12, 2003)

16-403. Persons authorized to initiate prosecution. Prosecution for a violation of this article may be initiated by a peace officer who witnessed the offense while on any public highway, street or road or upon a public park or recreation area or upon any other public property except that designated for that use, or by any private citizen who witnessed an offense or discovered incriminating evidence and who is willing to make the initial charge and testify thereto. (as added by Ord. dated Aug. 12, 2003)

16-404. Deposit in public places. No person shall throw or deposit litter in or upon any street, sidewalk or other public places such as drive-in eating establishments and retail parking areas other than in public receptacles or in authorized private receptacles for collection. (as added by Ord. dated Aug. 12, 2003)

16-405. Placement in receptacles to prevent scattering. Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent the litter from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. Private receptacles shall be made secure from overturning and scattering of the contents by dogs and other animals. (as added by Ord. dated Aug. 12, 2003)

16-406. Sweeping into gutters, cleanliness of sidewalks. (1) No person shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any place or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalks in front of their premises free of litter.

(2) No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the city shall keep the sidewalk and parkway in front of their business premises free of litter. (as added by Ord. dated Aug. 12, 2003)

16-407. Throwing by persons in vehicles. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street, alley, road public way or other public place or upon private property. (as added by Ord. dated Aug. 12, 2003)

16-408. Evidence of throwing from vehicle. If the throwing, dumping or depositing of litter was done from a motor vehicle, except a motorbus, it shall be prima facie evidence that the throwing, dumping or depositing was done by the driver of the motor vehicle. (as added by Ord. dated Aug. 12, 2003)

16-409. Truck loads causing litter, tires carrying mud, oil or other substance. (1) No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place.

(2) No person shall drive or move any vehicle or truck, the wheels or tires of which carry onto or deposit in any street, alley or other public place mud, dirt, sticky substances, litter or foreign matter of any kind. (as added by Ord. dated Aug. 12, 2003)

16-410. Dropping from aircraft. No person in an aircraft shall throw out, drop or deposit any litter, handbill or any other object. (as added by Ord. dated Aug. 12, 2003)

16-411. Deposit in parks. No person shall throw or deposit litter in any park, except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided in this article. (as added by Ord. dated Aug. 12, 2003)

16-412. Lakes and fountains. No person shall throw or deposit litter in any fountain, pond, lake, river, stream or any other body of water in a park or elsewhere. (as added by Ord. dated Aug. 12, 2003)

16-413. Occupied private property. No person shall throw or deposit litter on any occupied private property, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property. (as added by Ord. dated Aug. 12, 2003)

16-414. Maintenance of property. The owner, occupant or person in control of any private property or business property shall at all times maintain the premises free of litter. (as added by Ord. dated Aug. 12, 2003)

16-415. Posting notices. No person shall post or affix any notice, poster or other paper or device calculated to attract attention of the public to any lamppost, public utility pole or tree or upon any public structure or building, except as may be authorized or permitted by law. When permitted, these signs must be removed by the person putting them up, after their period of usefulness is over. (as added by Ord. dated Aug. 12, 2003)

16-416. Abandoned automobiles. It shall be unlawful for any person to permit, suffer or allow the accumulation of any old, abandoned or worthless automobile or parts thereof upon any private property or vacant lot owned, occupied or under the control of such person. Such accumulation is declared a nuisance. The occupant of such lot or the tenant, if he is not the owner, shall not be penalized for such nuisance if, after being notified in writing by the city building inspector or his designee of such condition, he shall give the notice to the owner and after such notice the owner shall remove from the property such old, abandoned or worthless automobiles within five days after such notice. Upon failure to comply with the notice, the owner of the property and the tenant or occupant, upon conviction, shall be guilty of a violation of this section. (as added by Ord. dated Aug. 12, 2003)

16-417. Vacant lots. (1) No person shall throw or deposit litter on any open or vacant private property, whether or not such property is owned by the person throwing or depositing such litter.

(2) The city building inspector or his designee is authorized and empowered to notify the owner of any open or vacant private property or the agent of such owner to properly dispose of litter located on such owner's property. The notice shall be by certified mail, addressed to the owner at his last known address.

(3) Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of litter within 30 days after receipt of written notice provided for in subsection (2) of this section or within 60 days after the date of such notice if the notice is returned to the city by the postal authorities because of inability to make delivery thereof, the building inspector or his designee is authorized and empowered to pay for the disposing of such litter or to order its disposal by the city.

(4) When the city has effected the removal of such dangerous litter or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of ten (10) percent per annum from the date of the completion of the removal, if not paid by such owner prior thereto, shall be charged to the owner of the property. (as added by Ord. dated Aug. 12, 2003)

16-418. Distributing in public places. No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street, public way, utility pole or other public place. (as added by Ord. dated Aug. 12, 2003)

16-419. Placing on vehicles. No person shall throw or deposit any commercial handbill or noncommercial handbill in or upon any vehicle, unless placed in or on such vehicle in such a manner as to prevent the handbill from being blown or carried about by the elements. (as added by Ord. dated Aug. 12, 2003)

16-420. Depositing on vacant premises. No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant. (as added by Ord. dated Aug. 12, 2003)

16-421. Distribution on posted private property. No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested by the owner, occupant or agent thereof not to do so or if there is placed on the premises a sign bearing the words "no trespassing," "no peddlers or agents," "no advertisements" or any similar notice, indicating in any manner that the owner, occupant or agent of the premises does not desire to be molested or have his right of privacy disturbed or to have any such handbills left upon such premises. (as added by Ord. dated Aug. 12, 2003)

16-422. Distribution at inhabited private premises. No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or agent then present in or upon such private premises with permission to do so. However, for inhabited private premises that are not posted, as provided in this division, such person may place or deposit any such handbill in or upon such inhabited private premises unless requested not to do so and provided the handbill is so placed or deposited as to secure or prevent the handbill from being blown or drifting about the premises or sidewalks, streets or other public places. (as added by Ord. dated Aug. 12, 2003)