

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.

CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Obstructing streets, alleys or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
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- 16-104. Projecting signs and awnings, etc., restricted.
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- 16-106. Gates or doors opening over streets, alleys or sidewalks prohibited.
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- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades regulated.
- 16-111. Operation of trains at crossings regulated.
- 16-112. Animals and vehicles on sidewalks.
- 16-113. Fires in streets, etc.
- 16-114. Gasoline pumps, etc., on 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. (1984 Code, § 12-201)

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. (1984 Code, § 12-202)

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

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

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. (1984 Code, § 12-203)

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 (1984 Code, § 12-204)

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 board of mayor and aldermen. (1984 Code, § 12-205)

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. (1984 Code, § 12-206)

16-107. Littering streets, alleys or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, 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. (1984 Code, § 12-207)

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. (1984 Code, § 12-208)

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. (1984 Code, § 12-209)

16-110. Parades regulated. (1) It shall be unlawful for any individual, group of individuals, club, organization, group or association to hold any meeting, parade, demonstration or exhibition on the public streets or any other public property of the city without some responsible representative first securing a permit from the city manager.

(2) Any applicant for such permit shall submit a written application therefor in form as prescribed from time-to-time by the city manager. Prior to

¹Municipal code reference

Building code: title 12, chapter 1.

such application being submitted to the city manager for grant of a permit the same shall be submitted to the chief of police of the city who shall investigate the proposed activity and make a determination as to whether or not, in his opinion, the proposed activity will or will not unreasonably interfere with traffic on the public streets. If the chief of police has no objection he shall so endorse upon the application, but if he shall have objection he shall likewise endorse such objection thereon stating the reason therefor. Upon such statement or endorsement by the chief of police the same shall then be submitted to the city manager for grant or denial of the permit.

(3) A permit shall not be issued by the city manager if the proposed activity may unreasonably interfere with traffic. A permit shall not be issued unless the applicant for such permit shall agree to see to the immediate cleaning up of all litter which may be left on the streets or public property as a result of the activity.

(4) It shall be, further, unlawful for any person who shall have obtained a permit under this section to fail to clean up all litter which shall result from the activity so permitted.

(5) Any person denied a permit pursuant to this section may appeal the denial immediately to the mayor who shall consider the application de novo. A denial of the permit by the mayor may thereafter be appealed to any regular or special meeting of the board of mayor and aldermen who shall consider the application de novo and grant or deny the permit after such hearing as they may prescribe.

(6) As a condition for the granting of any permit hereunder the granting authority may prescribe, as a prerequisite for the granting of the permit, that the applicant execute a bond with good and solvent surety payable to the city conditioned that the applicant shall comply with all requirements relative to cleaning the city streets of all litter resulting from the activity for which the permit is obtained. (1984 Code § 12-210)

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. (1984 Code, § 12-211, 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 to knowingly allow any minor under his control to violate this section. (1984 Code, § 12-212)

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. (1984 Code, § 12-213)

16-114. Gasoline pumps, etc., on streets, etc. Hereafter is shall be unlawful for any person, individual, firm or corporation to install, erect, or have same done, any storage tank, gasoline pump, oil container, tire rack, display or sign, or any other equipment used in connection with the filling station or garage business, or any other type of business, on any street, alley or other public property within the corporate limits of the City of Waverly, or to carry on any type of business on said public property. The individuals, firms or corporations which now have storage tanks, pumps, and other equipment installed in or on the streets, alleys, or other public property in the City of Waverly have no property right therein, and no right to sell, convey or in any manner transfer the right to use city property, and at any time hereafter when such business now in operation shall cease, or be sold, conveyed or transferred to another in any manner, such new owner or transferee shall have no right or permission to continue to use the said streets, alleys or other public property, and will be compelled to operate the business off such public property. (1984 Code, § 12-214)

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. Inspection.

16-201. Permit required. It shall be unlawful to make any excavation in any street, alley or public place, or to tunnel under any street, alley or public place, or connect a driveway or other entranceway from private property to any street or alley, without first obtaining a permit and otherwise complying with the provisions of this chapter. It shall further be unlawful, upon obtaining a valid permit from the city to thereafter excavate, tunnel or connect within, under or to any such street, alley or public place, in violation of the terms or conditions of such permit. This section shall not apply to any public works project conducted by the city itself. (Ord. #1988-2, Jan. 1988)

16-202. Applications. Applications for such permits shall be made to the city manager or such other person as he may designate to receive such applications. The city manager shall prescribe the form for such applications and the content thereof, at a minimum, shall state the location of the intended excavation, tunnel or connection, the size thereof, a drawing or other pictorial description thereof, the purpose thereof, the person, firm, corporation, association or others doing the actual work, the name of the person, firm, corporation, association or others for whom the work is being done and the estimated length of time that will elapse from commencement of the work until full and complete restoration. The execution of the application by the applicant shall constitute an agreement on the part of applicant that the applicant shall comply with this chapter and with all other ordinances and laws relating to the work to be done. The city manager shall act upon the application by granting

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).

or rejecting a permit within twenty-four (24) hours from the filing of the application. No permit shall be granted for connection of a private driveway to a street or alley where the proposed connection will be so located or so constructed as to create an unreasonable hazard to pedestrian or vehicular traffic or which shall exceed thirty-five (35) feet in width at the outer or street edge, or shall have an apron extended into the street or alley, or shall be closer than ten (10) feet to another driveway servicing the same property. (Ord. #1988-2, Jan. 1988)

16-203. Fees. For the purpose of defraying the administrative cost in connection with the taking, processing, investigating and acting upon applications for permits the applicant shall pay at the time of the filing of the application a fee in the amount of \$25 for each application. A separate application and a separate fee shall be required for every different location for a requested permit. (Ord. #1988-2, Jan. 1988)

16-204. Deposit or bond. (1) No permit shall be issued unless and until the applicant deposits with the city manager an amount determined by the city manager as necessary to cover the cost of proper restoration of the ground and the laying of any necessary pavement resulting from the work to be done under the permit. From this cash deposit the city shall deduct the expense incurred by it in restoring the street, alley or public place and the balance, if any, shall be returned to the applicant without interest.

(2) The amount of deposit shall be as a minimum in the following amounts:

(a) For surfaces with no existing pavement, \$100 up to a total area of 100 square feet plus 20 cents per square foot in excess thereof.

(b) For surfaces with existing pavement, \$150 up to a total area of 100 square feet plus 60 cents per square foot in excess thereof.

(c) In lieu of a cash deposit the applicant may file with the city manager a surety bond with good and adequate security in such form and amount as the city manager shall deem adequate to cover the costs of making proper restoration. (Ord. #1988-2, Jan. 1988)

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. (1984 Code, § 12-105)

16-206. Restoration of streets, etc. Any permit holder making any excavation, tunnel or connection in, under, or to any street, alley or public place shall restore the same to the specifications as prescribed by the city and shall clean and remove all debris from the work site, promptly upon the completion of the work under the permit, except for the resurfacing of any street or way and which resurfacing shall be done by the city or by the permit holder if specifically approved by the city, but in all cases it shall be paid for by the permit holder. If the permit holder shall fail to perform restoration required hereunder the city manager shall give written notice to the permit holder requiring that the restoration occur within a specified period of time and if not completed within such specified period of time the same shall be performed by the city and all charges, including labor, resulting therefrom shall be fully paid to and reimbursed to the city by the permit holder. (Ord. #1988-2, Jan. 1988)

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 accident, and a \$75,000 aggregate. (1984 Code, § 12-107)

16-208. Inspection. The city manager shall from time to time inspect or cause to be inspected all excavations, tunnels, connections and other work performed under any permit and shall see to the enforcement of all provisions of this chapter. No restoration work shall be commenced until notice thereof shall have been given to the city manager not less than ten (10) hours prior to the commencement of such restoration work. (Ord #1988-2, Jan. 1988)