

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

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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.
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- 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.

16-101. 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. (1972 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 or sidewalk at a height of less than fourteen (14) feet. (1972 Code, § 12-202)

¹Municipal 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 fence, tree, hedge or billboard which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. The above mentioned obstructions shall not be above two (2) feet in height and shall not be allowed within fifty (50) feet from the center line of any street. The aforementioned is not applicable to buildings or their appendages or retaining walls. (1972 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 (1972 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 governing body. (1972 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. (1972 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, sweepings, 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. Trucks are expressly required to be so loaded or covered that sand, gravel, or other materials being transported will not be allowed to fall or be blown into any public way or place. (1972 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. (1972 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. (1972 Code, § 12-209)

¹Municipal code reference

Building code: title 12, chapter 1.

16-110. Parades 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 chief of police. No permit shall be issued by the chief of police 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 immediately clean up the resulting litter. (1972 Code, § 12-210; as amended by Ord. #866, § 1, Jan. 2000)

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. (1972 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. (1972 Code, § 12-212)

CHAPTER 2

RIGHTS- OF-WAY MANAGEMENT

SECTION

- 16-201. Intent and purpose.
- 16-202. Permit required.
- 16-203. Applications.
- 16-204. Failure to apply.
- 16-205. Fee.
- 16-206. Deposit.
- 16-207. Manner of excavating--barricades, signage, and lights.
- 16-208. Restoration of public rights-of-way.
- 16-209. Existing facilities in rights-of-way.
- 16-210. Perpetual care.
- 16-211. Inspection.
- 16-212. Specifications.
- 16-213. Insurance.
- 16-214. Indemnification.
- 16-215. Time limits.
- 16-216. Supervision.
- 16-217. Stop work order.
- 16-218. Facility relocation.
- 16-219. Violation and penalty.

16-201. Intent and purpose. In order to provide for the public health, safety and welfare of the citizens of the City of Athens, as well as to ensure the structural integrity of the city's streets and related infrastructures; to minimize the disruption to the traveling public; and to ensure the costs incurred by the city to maintain, and manage the rights-of-way and that they are properly allocated among the various users of the rights-of-way, the city hereby establishes standards for authorizing and managing the placement of facilities in rights-of-way; performing installation, maintenance, and other work in the rights-of-way; and appropriately recovering costs incurred by the city related to such activities. (1972 Code, § 12-101, as replaced by Ord. #906, Feb. 2003)

16-202. Permit required. (1) It shall be unlawful for any person, firm, corporation, public or private utility, association, or others to make any cut or excavation in any street, curb, sidewalk, alley, or public rights-of-way, or to tunnel under any street, sidewalk, curb, alley, or public rights-of-way in the city without having first obtained a rights-of-way construction permit, as herein required, and without complying with the provisions of this chapter; and it shall be unlawful to violate, or to vary from, the terms of any such permit; provided, however, any person maintaining existing pipes, lines, driveways, or other

facilities in or under the surface of any public rights-of-way may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately, provided the permit could not reasonably and practicably have been 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; however, the city manager or his designee shall have the authority to waive emergency permits.

(2) No one shall cut, build, or maintain a commercial or residential driveway across a public rights-of-way without first obtaining a rights-of-way construction permit from the city manager or his designee and receiving the necessary lines and grades from the public works department. 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. (1972 Code, § 12-102, as replaced by Ord. #905, Feb. 2003)

16-203. Applications. Applications for such permits shall be made to the city manager, or such person designated by him to receive such applications, and shall include, but not be limited to the following:

- (1) Name of the owner or operator of the facility; and
- (2) A sketch or drawing of the project; and
- (3) Dates of the construction activity, the proposed start and stop times and any proposal to temporarily reopen any roadway for any "peak hour" period; and
- (4) The names of any known subcontractors working on the proposed project under the applicant's responsibility and authority; and
- (5) Proof of payment of all money due the city for rights-of-way construction permit fees and any invoiced cost, loss, damage, or expense suffered by the city as a result of the applicant's prior construction activity including but not limited to any emergency action taken by the city; and
- (6) Evidence that the applicant has obtained the insurance coverage required by § 16-214; and
- (7) A traffic control plan if traffic is going to be impacted; and
- (8) A list of the applicant's emergency providers, including name of company, local contact person, mailing and e-mail address, 24-hour emergency phone number, and pager or fax number. This information shall be kept current by written notice to the public works director.
- (9) For major projects, as determined by the public works director the following may be required:

(a) Detailed engineering plans. The plans shall show the location and area of the proposed project, the locations of all existing and proposed equipment and/or facilities, the height and/or depth of the proposed equipment and/or existing facilities, and the spatial relationship with any adjacent infrastructure, rights-of-way line, easement, utility,

and/or other physical features. The plans shall be prepared under the direction of and signed by a registered professional engineer, and shall meet the size and scale as set forth in the department of public works' standard design criteria manual; and

(b) A copy of the engineering plans in an electronic format acceptable to the public works director; and

(c) The applicant shall meet with the public works director for a pre-work conference prior to issuance of a rights-of-way construction permit. (1972 Code, § 12-103, as replaced by Ord. #906, Feb. 2003)

16-204. Failure to apply. Any person that fails to comply with § 16-203 shall be precluded from obtaining any rights-of-way construction permit or performing any further construction within the city's rights-of-way for up to three (3) months from the date of notification, in addition to any monetary penalty imposed by the city. (1972 Code, § 12-104, as replaced by Ord. #906, Feb. 2003)

16-205. Fee . The fee for such rights-of-way construction permits shall be set by resolution as adopted by the Council of the City of Athens. (1972 Code, § 12-105, as replaced by Ord. #906, Feb. 2003)

16-206. Deposit. It shall be the responsibility of the permittee to place with the City of Athens a cash deposit or a surety bond either by the job or activity or on an annual basis. The amount of the deposit shall be determined by the city manager or his designee based upon the size and nature of the permitted work within the rights-of-way. The city may use the deposit to cover its cost should a failure of restoration work occur to the public rights-of-way facility. (1972 Code, § 12-106, as replaced by Ord. #906, Feb. 2003)

16-207. Manner of excavating-- barricades, signage, and lights. Any person, firm, corporation, public or private utility, association, or others making any excavation or tunnel shall do so according to the specifications and standards issued by the City of Athens and must comply with the provisions of the Tennessee Underground Utility Damage Prevention Act (Tennessee Code Annotated, § 65-31-101 et. seq.). Sufficient and proper barricades, signage, and lights shall be maintained to protect persons and property from injury by or because of the excavations 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. It shall be the responsibility of the permittee to adhere to the manual on uniform traffic-control devices. (1972 Code, § 12-107, as replaced by Ord. #906, Feb. 2003)

16-208. Restoration of public rights-of-way. Any person, firm, corporation, public or private utility, association or others making any

excavation or tunnel in or under any street, curb, alley or public rights-of-way in the city shall backfill said street, curb, alley or public rights-of-way and restore the same including final surfacing to city specifications and standards promptly upon the completion of the work for which the excavation or tunnel is made. Final surfacing may be done by the city at the expense of the entity for which the excavation or tunnel is made, if requested, providing that city crews can schedule the work within twenty-four hours of this request. If not, the entity will be required to place final surfacing in accordance with the requirements of this chapter. No excavation or tunnel in or under any street, curb, sidewalk, alley, or public rights-of-way shall be permitted to obstruct the flow of traffic unless the permit holder coordinates with the city public works department and police department and provides a plan to address the impact on traffic flow. In the event final resurfacing cannot be completed immediately after backfilling, the entity shall use temporary resurfacing materials such as coldmix or steel plate or an approved detour around such opening or excavation which would aid the flow of traffic. The detour must be approved by the public works director or his designee prior to establishing any such detour. Such detour routes must be adequately signed and marked according to the manual on uniform traffic-control devices. Maintenance of signage and markings will be the responsibility of the permittee. (1972 Code, § 12-108, as replaced by Ord. #906, Feb. 2003)

16-209. Existing facilities in rights-of-way. Between January 1, 2003 and July 1, 2003 each existing rights-of-way occupant with more than 100 linear feet of facilities shall provide the city the following information:

(1) The name, address, telephone number and form of business of the individual, company or corporation owning facilities within the public rights-of-way of the City of Athens, and the names and addresses of all persons authorized to act on behalf of the individual, company or corporation;

(2) The name, address and telephone number of a responsible person whom the city may notify or contact at any time concerning the rights-of-way occupant's facilities;

(3) A detailed description of the physical facilities owned, operated, managed or leased by the rights-of-way occupant as of January 1, 2003. Detailed description to include, but not be limited to, as built drawings and plans of existing facilities showing the locations of the facilities, including any manholes or overhead poles, the size, type and depth of any conduit or other enclosures, and the relationship of the system to all other existing poles, utilities, sidewalks, pavement, telecommunication facilities, and other improvements within the rights-of-way.

Such information must be submitted in hard copy and, if available, digitally. After July 1, 2003 individuals, companies and corporations who have failed to provide the information required in this section shall be prohibited from making extensions, modifications or improvements to any existing facilities

within the rights-of-way of the City of Athens and will not be approved to install any new facilities within the rights-of-way of the City of Athens until the information required in this section is provided. Nothing in this section shall be construed as granting permission or authority for an unauthorized facility to remain in the city's rights-of-way. (as added by Ord. #906, Feb. 2003)

16-210. Perpetual care. Any person, firm, corporation, public or private utility, association, or others affecting a public rights-of-way within the city, shall be responsible for any defects which occur to the public facility within the public rights-of-way due to workmanship or materials. The cost for repairs shall be the responsibility of the utility owners of the facility which was placed within the City of Athens rights-of-way. The city's public works department will be responsible for making the repairs or having the work contracted. The city may allow the utility to make the repair if requested to do so. Repairs shall be made in accordance with specifications furnished by the City of Athens or the city's engineering consultants. (as added by Ord. #906, Feb. 2003)

16-211. Inspection. It shall be the responsibility of any person, firm, corporation, public or private utility, association, or others to call the director of public works for an inspection of the permitted facility as required by the rights-of-way construction permit. The permit shall specify, based upon the size and scope of the permitted work, the type of inspection to be required. The cost of all inspections shall be borne by the owner of the permitted work whether the work is performed by the staff of the City of Athens or by a third party service. The permittee is to be bound by the rules and regulations as specified on the permit. (as added by Ord. #906, Feb. 2003)

16-212. Specifications. Each rights-of-way construction permit shall be assigned a set of restoration specification standards. These specifications will be referenced by number and so indicated on the permit. It shall be the responsibility of the city public works department to maintain and provide the specification standards. The permittee may request a copy as required. The cost of the specification shall be limited to reproduction cost and paid by the permittee. (as added by Ord. #906, Feb. 2003)

16-213. Insurance. In addition to making the deposit hereinbefore provided to be made, each person applying for a rights-of-way construction permit shall file a certificate of insurance or other suitable instrument 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 in effect shall not be in an amount less than the current limits found in the Tennessee Governmental Tort Liability Act (Tennessee Code Annotated, §§ 29-20-101 et.seq.) or \$250,000 for each person and \$600,000 for each accident and for property damages an amount not less than \$85,000, with an aggregate of \$685,000 for all accidents, whichever is greater. (as added by Ord. #906, Feb. 2003)

16-214. Indemnification. Each rights-of way occupant and permittee shall, at its sole cost and expense, indemnify, hold harmless, and defend the city, its elected and appointed officials, officers, boards, commissions, commissioners, agents, employees, and volunteers against any and all claims, suits, causes of action (whether frivolous or otherwise), proceedings, and judgments for damages or equitable relief arising out of the installation, construction, maintenance, or operation of facilities by the rights-of-way occupant or permittee; the conduct of the rights-of-way occupant's business in the city; or in any way arising out of the rights-of-way occupant's enjoyment or exercise of the privileges granted by the city or applicable law, regardless of whether the act or omission complained of is authorized, allowed, or prohibited by the city, other applicable law, or the terms of any grant to occupy the rights-of-way.

Each rights-of-way occupant and permittee shall indemnify and hold harmless the city, and its elected and appointed officers, officials, boards, commissions, commissioners, employees, agents, and volunteers from and against any and all claims, demands, suits, or causes of action (whether frivolous or otherwise) of any kind or nature, and the resulting losses, costs, expenses, reasonable attorneys' fees, liabilities, damages, orders, judgments, or decrees sustained by the city arising out of, or by reason of, or resulting from or of the acts, errors, or omissions of the rights-of-way occupant or permittee, or its agents, independent contractors, or employees related to or in any way arising out of the construction, operation or repair of the facilities in question.

The indemnity provision of this section includes, but is not limited to, the city's reasonable attorneys' fees incurred in defending against any such action, claim, suit (whether frivolous or otherwise), or proceeding, as well as the reasonable value of any services rendered by the city attorney, or city staff or employees.

Nothing in this chapter shall be construed to waive any immunity the city enjoys under applicable law, or the Tennessee Constitution.

Acceptance of the provisions of this section shall be a condition of all rights to occupy city rights-of-way or to obtain a rights-of-way construction permit. (as added by Ord. #906, Feb. 2003)

16-215. 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 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 city manager. (as added by Ord. #906, Feb. 2003)

16-216. Supervision. The city manager or his designee shall monitor all excavations and tunnels being made in or under any public street, curb, sidewalk, alley, or other public rights-of-way in the city and see to the enforcement of the provisions of this chapter. Notice shall be given to him before the work of refilling any such excavation or tunnel commences and said work may not commence until the inspector arrives at the site or gives verbal permission to proceed. (as added by Ord. #906, Feb. 2003)

16-217. Stop work order. If at any time that any person, firm, corporation, public or private utility, association, or others is making any cut or excavation in any street, curb, alley, or public rights-of-way, or is tunneling under any street, curb, alley, or public rights-of-way in the city and it is determined by the city manager or his designee that the work being performed is not in compliance with the city's regulations, state or federal regulations or recognized construction and/or safety practices, the city manager or his designee shall issue a stop work order and the person, firm, corporation, public or private utility, association, or others that is making the cut or excavation in any street, sidewalk, curb, alley, or public rights-of-way, or is tunneling under any street, sidewalk, curb, alley, or public rights-of-way shall cease work in the city's rights-of-way until corrective measures are taken and the city manager or his designee rescinds the stop work order. (as added by Ord. #906, Feb. 2003)

16-218. Facility relocation. A rights-of-way occupant shall, within three (3) months from the date of notification, at its own expense, permanently relocate, protect, or modify any part of its facility when required by the city by reason of traffic safety, public safety, road construction, change of street grade, installation of water, stormwater, or sanitary pipes, traffic signal devices, or any other types of city improvement projects. The city manager may recommend such actions in order to prevent interference by the rights-of-way occupant's facilities with: a present or future city use of the city's rights-of-way; or a capital improvement project funded and scheduled to be undertaken by the city; or an economic development project in which the city has an interest or investment. The city manager may also recommend such actions: when the public health, safety and welfare require it; or when necessary to prevent interference with the safety and convenience of ordinary travel over the rights-of-way, both vehicular and pedestrian; or when aboveground equipment is located in such a manner as to create an obstruction to a driver's line of sight. The rights-of-way occupant

may for due cause make application to the public works director for an extension to complete such relocation as required by this section.

Failure by the rights-of-way occupant to relocate its facilities within the three (3) months from date of notification shall result in the rights-of-way occupant being assessed liquidated damages for each day of the delay. The daily amount of liquidated damages shall be determined by the liquidated damages contained in any construction contract(s) the city may have entered into in conjunction with infrastructure improvements that necessitate the need for the rights-of-way occupant to relocate its facilities. In those cases where the city is performing the infrastructure improvements with city forces, the amount of the daily liquidated damages shall be the average of the daily liquidated damages amounts found in all city contracts for the past two years commencing with the date of notification referenced above. If the rights-of-way occupant fails to pay the city for the liquidated damages as charged, the total amount of liquidated damages (daily amount x the number of days delayed) shall be attached to the cost of any future permit the rights-of-way owner may apply for to install, extend or improve their facilities within the city's rights-of-way and no permit shall be issued until the total costs are paid. (as added by Ord. #906, Feb. 2003)

16-219. Violation and penalty. In addition to any other action the city may take against a permit holder in violation of this chapter, such violation shall be punishable under the general penalty provision of this code. Each day a violation occurs shall constitute a separate offense. (as added by Ord. #906, Feb. 2003)

CHAPTER 3

STREET NAMES AND PROPERTY NUMBERS

SECTION

16-301. Street names.

16-302. Property numbers.

16-301. Street names. There is hereby established an official system of street names in the City of Athens as shown on a map of record in the city manager's office. The map is entitled "Street Map, Athens, Tennessee," and is dated April 1, 1962. It is incorporated herein and made a part of this section by reference.

The names of streets in the City of Athens shall remain as shown on said map unless officially changed by ordinance.

No new streets shall be accepted by the city nor any municipal improvements made therein until such streets have been named. When new streets are extensions of existing streets, the existing names shall be continued; if not extensions, they shall be given names which neither duplicate nor closely approximate street names already assigned. (1972 Code, § 12-301)

16-302. Property numbers. There is hereby established a uniform system of numbering properties and principal buildings in the City of Athens as shown on the map entitled "Property Numbering System, Athens, Tennessee," as administered by the city manager's office. The map is incorporated herein and made a part of this section by reference.

All properties or parcels of land within the corporate limits shall hereafter be identified by reference to the uniform numbering system adopted herein. All existing numbers of properties and buildings not in conformity with this uniform system shall be changed by the owner so as to conform forthwith.

Within zone 1, as shown on the map, a separate number shall be assigned for each twenty-five (25) feet of frontage.

Each principal building shall bear 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 of such principal building shall bear a separate number. The numerals shall be posted in such a manner as to be visible from the street on which the property is located and shall be not less than three (3) inches, measured from top to bottom. (1972 Code, § 12-302, modified)

CHAPTER 4

STREET POLICY

SECTION

- 16-401. Classification of streets.
- 16-402. Maintenance.
- 16-403. Originating improvements.
- 16-404. Financing improvements.
- 16-405. Specifications for construction.
- 16-406. Petitions.

16-401. Classification of streets. (1) The widths of "existing" and "proposed" streets shall from time to time be classified by the city council and the regional planning commission and shown on the City of Athens Street Map.

(2) "Existing" streets are only those streets which are shown as such on the Street Map. "Proposed" streets are contemplated streets through undeveloped property. Previous recording at the court house does not constitute an "existing" street. A street shall be opened only by resolution after prior approval of the planning commission. Building permits shall be issued only for property which abuts an "existing" street for 40 feet. (1972 Code, § 12-401)

16-402. Maintenance. The city shall maintain all "existing" streets in their present condition. A street ledger shall be maintained to list the condition of all "existing" streets and to note the addition of new streets as they are constructed. (1972 Code, § 12-402)

12-403. Originating improvements. (1) The city council may initiate abutting districts for any proposed or existing street within the corporate limits of the City of Athens. The city may also improve any street within the corporate limits of the city when it deems such improvement is in the best interests of the citizens and residents of said city.

(2) Other abutting districts may be initiated by the property owners or by developers by means of a subdivision in accordance with this title.

(3) Nothing in the street policy of the City of Athens as contained in this chapter shall be construed to limit and restrict the right of the City of Athens to initiate improvements by special assessment as provided by the Tennessee Code Annotated, § 7-32-101 and following, the same being the general state law governing street improvements by special assessment. (1972 Code, § 12-403)

16-404. Financing improvements. (1) Residential, commercial or industrial subdividers shall pay the entire cost of streets and improvements, except as qualified in (2) below.

(2) Abutment districts shall be financed 50% by property owners and 50% by the city, except as qualified by (4) below.

- (3) Conservation districts shall be financed entirely by the city.
- (4) In all cases the city shall pay the additional cost where the improvements required exceed the following limits:
 - (a) 36' wide street
 - (b) 8" diameter sanitary sewer
 - (c) Any size sanitary sewer which has not been connected to the city collection system within 6 months of the completion of the street.
 - (d) Storm sewers over 15" but not over 24" in diameter. (Where storm sewers larger than 24" in diameter are required, drainage swales may be installed outside the curb line.) (1972 Code, § 12-404)

16-405. Specifications for construction. (1) The city council shall determine the character and type of construction and materials to be used in the construction of council initiated street improvements and shall determine whether any or all of the work shall be done by contract or by city force account.

(2) All streets shall be first approved by the planning commission and shall be sized according to their classification. All streets shall meet the Subdivision Regulation Standards except for area accesses or council initiated improvements. Building permits shall not be issued for property abutting area accesses or driveways until said street is improved to meet Subdivision Regulation Standards. (1972 Code, § 12-405)

16-406. Petitions. (1) Abutment districts are available for residents on any "existing" street and may include streets, sidewalks, sanitary sewers and storm sewers.

(2) Conservation districts shall be determined by a Housing Analysis for Urban Renewal under the direction of the planning commission. Abutting property owners in conservation districts will be required to improve their houses or property as recommended by the housing analysis.

(3) All requests for improvements under the abutment district or the conservation district shall be made by petition to the city council on petition forms prepared and furnished by the City of Athens.

(4) Limitation of petitions. No petition will be considered unless the owners of 51% of the footage represented sign the petition. No petition shall be considered by the city council for the full proposed improvement of less than one block of a street except in case of storm sewers. A block is defined as that part of a street between two intersecting streets. Petitions for sidewalk improvement shall be separate from other improvements.

(5) Factors of considering petitions by the city council. The following factors shall be considered by the city council when considering each petition for street improvements:

- (a) Time of filing petition with city manager.

(b) Classification of street or streets proposed to be improved in the city street system.

(c) Percentage of development of lots on street or streets proposed to be improved.

(d) Estimated unit cost of the proposed improvement.

(6) Assessment and charges. Assessments shall be payable in cash, or if any property owner should so elect and give notice to the fact in writing to the City of Athens, such property owner shall have the option and privilege of paying the assessments in five equal installments, such installments to bear interest at the rate of 6% per annum from the date of the confirmation of the assessment roll. (1972 Code, § 12-406)

CHAPTER 5

SKATEBOARDING AND ROLLER SKATING

SECTION

16-501. Skateboarding, roller skating, roller blades and similar activities prohibited in certain designated areas.

16-502. Definitions.

16-503. Designation of private property as no skateboarding, roller skating, or roller blading area.

16-504. Posting of signs; required content.

16-505. Penalties.

16-506. Exemption from the provisions of this chapter.

16-501. Skateboarding, roller skating, roller blades and similar activities prohibited in certain designated areas. It shall be unlawful and subject to punishment in accordance with the provisions of this chapter, for any person utilizing or riding upon any skateboard, roller skates, roller blades, or a similar device to ride or move about upon such device in or on the public property defined hereafter, or private property when the private property has been designated by the owner by the procedure outlined in § 16-503 hereafter and posted as outlined in § 16-504 hereafter as a no skateboarding, roller skating, roller blading or similar activity area. (as added by Ord. #962, Nov. 2007, and amended by Ord. #976, Feb. 2009)

16-502. Definitions. For the purposes of this chapter, the following words shall have the meanings ascribed:

(1) "Private property" shall mean any property held by private interests, which is used primarily for business, commercial, office space, religious, multi-family or recreational purposes. This shall also include the parking facilities for these "private property" areas.

(2) "Public property" shall mean any property owned or maintained by the City of Athens within the downtown business district which is defined as that area upon and within the interior of the boundaries of Green Street, College Street, Hill Street and Park Street as shown on the map of the City of Athens attached hereto and incorporated herein by reference, including, but not limited to city streets and sidewalks. "Public property" shall also mean any property, wherever situated, owned or maintained by any public utility.

(3) "Roller skates" or "roller blades" shall mean any footwear or device which may be attached to the foot or footwear, to which wheels are attached, including wheels that are "inline" and where such wheels may be used to aid the wearer in moving or propulsion. Heelys are not included in the definition of roller skates or roller blades.

(4) "Skateboards" shall mean a board of any material which has wheels attached to it and which is propelled or moved by human, gravitational, or mechanical power. Skateboards shall include a board which has wheels attached to it and a device or mechanism to turn or control the wheels, such boards commonly referred to as "Razors." (as added by Ord. #962, Nov. 2007, and amended by Ord. #976, Feb. 2009)

16-503. Designation of private property as no skateboarding, roller skating, or roller blading area. (1) If the property is owner-occupied property, the owner shall submit a written application requesting a designation of a no skateboarding, roller-skating or roller blading.

(2) If the property is occupied by tenants of the owner, then the tenants may submit a written application with the exception that for multi-family property, two-thirds (2/3) of the tenants must sign supporting a designation of no skateboarding or roller skating, roller blading, and the application shall also contain the written consent of the property owner or his or her designated representative. (as added by Ord. #962, Nov. 2007)

16-504. Posting of signs required, content. Prior to the enforcement upon private property of the prohibition on skateboarding, roller-skating, or roller blading, or similar activity, the area so designated shall be posted with signs, which provide substantially as follows:

<p>Skateboarding, roller skating or similar activity is prohibited by, Title 16, Chapter 5, of the Athens Municipal Code. Any violation is punishable by a fine of up to \$50.00</p>
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Such prohibition shall apply to the property or area so designated once the property or area has been posted with signs in plain view at all vehicular entrances to the property or area or at prominent locations therein. Signs of appropriate size and wording will be provided to property owners upon approval of an application for a particular location to be designated as a no skateboarding, roller skating, or similar activity area. It shall be the responsibility of the property owner or tenant(s) to post signs in appropriate locations to be designated by the appropriate city officials and to maintain all signs thereafter. (as added by Ord. #962, Nov. 2007)

16-505. Penalties. Any violation of this chapter is deemed an infraction, punishable by a fine of up to fifty dollars (\$50.00). (as added by Ord. #962, Nov. 2007)

16-506. Exemption from the provisions for this chapter. Any device designated, intended, and used solely for the transportation of infants, the handicapped or incapacitated persons, devices designed, intended, and used for the transportation of merchandise to and from the place of purchase and other wheeled devices, when being used for either of these purposes shall be exempt from this chapter. Furthermore, the board of Athens City Council may, by resolution, suspend the enforcement provisions of this chapter to accommodate special events when so requested by the event organizer. (as added by Ord. #962, Nov. 2007)

CHAPTER 6

CLOSURE AND ABANDONMENT OF STREETS OR RIGHTS-OF-WAY

SECTION

16-601. Purpose.

16-602. Definitions.

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16-604. Requests for closure or closure and abandonment.

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16-611. Compensation for abandonment.

16-601. Purpose. The purpose of this chapter is to establish procedures for the closure or closure and abandonment of streets and rights-of-way within the City of Athens. (as added by Ord. #996, June 2011)

16-602. Definitions. For the purposes of this chapter the following definitions shall apply:

(1) "Abandonment." The letting go of, or "vacating" of, public interest in a property. After a street or right-of-way is abandoned, the public no longer has a right to use the property for access.

(2) "Closure." The preventing of public vehicular use of a street or right-of-way. When a street or right-of-way is closed without abandonment public interest in the property is retained.

(3) "Right-of-way." The area dedicated for public use as a street or alley whether developed or undeveloped.

(4) "Street." Any public street or alley, including right-of-way, within the city. (as added by Ord. #996, June 2011)

16-603. Initiation of closure or closure and abandonment. There are two (2) alternatives for the initiation of the closure or closure and abandonment of a street right-of-way. First, the owners of an interest in any real property abutting upon any street or right-of-way may request that the council consider the closure or closure and abandonment of the street or right-of-way. Second, the council may itself initiate the closure or closure and abandonment of a street or right-of-way. (as added by Ord. #996, June 2011)

16-604. Requests for closure or closure and abandonment. All requests for the closure or closure and abandonment of streets or rights-of-way shall be submitted in writing to the community development department and shall include the reasons for such a request. The request shall include proof in the form of a signed petition, or other written documentation, that all other property owners affected by the proposed closure or closure and abandonment have been contacted and concur with the request. (as added by Ord. #996, June 2011)

16-605. Fees for closure or closure and abandonment. Every request for the closure of a street or right-of-way, or any part thereof, shall be accompanied by a nonrefundable fee in the amount of fifty dollars (\$50.00). If the request is also for the abandonment of a street or right-of-way, the nonrefundable fee shall be one hundred dollars (\$100.00). These fees shall be used to defray the administrative cost incurred in processing the petition and publishing, posting and mailing notices, plus any consulting costs incurred by the city during the review process. (as added by Ord. #996, June 2011)

16-606. Submittals required with abandonment requests. Every request for the abandonment of a street or right-of-way, or any part thereof, shall be accompanied by the following information:

- (1) Survey prepared by a registered land surveyor indicating the specific parcels abutting the street or right-of-way proposed for abandonment.
- (2) Exact legal description of the portion of the street or right-of-way proposed for abandonment prepared by a registered land surveyor. (as added by Ord. #996, June 2011)

16-607. Departmental review required. Upon receipt of a request for the closure or closure and abandonment of a street or right-of-way, or any part thereof, the community development department shall notify all applicable city departments, including fire, police, public works, water quality control, gas and electric departments. Comments shall be received from these departments prior to the community development department submitting the request to the Athens Municipal/Regional Planning Commission for review. (as added by Ord. #996, June 2011)

16-608. Athens Municipal/Regional Planning Commission review required. All proposals for the closure or closure and abandonment of a street or right-of-way, whether city initiated or initiated as a result of a petition, shall be reviewed by the Athens Municipal/Regional Planning Commission. The following procedure shall apply for Athens Municipal/Regional Planning Commission review of all proposals for the closure or closure and abandonment of a street or right-of-way:

(1) All owners of real property abutting a street or right-of-way proposed for closure or closure and abandonment shall be notified by the community development department in writing of the time and place at which the Athens Municipal/Regional Planning Commission will consider the matter.

(2) The community development department shall provide a recommendation for or against closure and/or abandonment and shall provide the comments from the applicable city departments.

(3) The Athens Municipal/Regional Planning Commission shall hold a public hearing prior to considering the matter for action.

(4) The recommendation of the Athens Municipal/Regional Planning Commission to the council shall be for the approval, approval with conditions, or disapproval of the closure or abandonment. (as added by Ord. #996, June 2011)

16-609. Procedure for council approval. The Council of the City of Athens may or may not approve the closure and/or abandonment of a street or right-of-way, or any part thereof, with such conditions or limitations as the council deems necessary and proper to preserve any public use or benefit. Council approval may contain a provision retaining or requiring conveyance of easements for construction, repair and maintenance of existing and future utilities and services. (as added by Ord. #996, June 2011)

16-610. Compensation for closure. Where a street closure has been initiated by request, the owners of property signing the petition shall pay to the city, prior to the effective date of the closure of the street, a sum equal to the cost of physical closure as required by the department of public works. If the street closure has been initiated by the city the payment of such sum shall not be required. Upon determination by the department of public works of the cost of physical closure of the street, the city manager or designee shall notify the representatives of the petitioners of the amount of required compensation. The payment shall be delivered to the city manager or designee who, upon receipt of payment, shall transmit it to the finance department for deposit in the city's general fund. (as added by Ord. #996, June 2011)

16-611. Compensation for abandonment. The following provisions shall apply for compensation to the city for the abandonment of a street or right-of-way, or any part thereof:

(1) Determination of payment amount. Where an abandonment has been initiated by request, the owners of the property abutting the area vacated shall pay to the city, prior to the effective date of the abandonment of the area, a sum equal to the appraised value of the area vacated plus the full cost of physical closure and street repairs as required by the department of public works. Where the abandonment has been initiated by the city the payment of such sum shall not be required.

(2) Conveyance of other property. Conveyance of other property acceptable to the city may be made in lieu of the required payment, whether required to mitigate the adverse impacts of the abandonment or otherwise.

(3) Appraisals. The city manager or designee shall determine the appraised value of the area vacated based on an appraisal from a state-certified real estate appraiser. The petitioner shall pay for the appraisal. If the city manager or designee is not satisfied with the appraisal, the city manager or designee may order a second appraisal from a state-certified appraiser. The city shall pay for the second appraisal. The city manager or designee shall use the appraisal having the highest value for the area vacated.

(4) Payment of compensation or conveyance. After determining the appraisal for the value of the street or alley to be vacated, the city manager or designee shall notify the representatives of the petitioners of the amount of required compensation. The payment shall be delivered to the city manager or designee who, upon receipt of payment, shall transmit it to the finance department for deposit in the city's general fund. If the petitioner has been authorized to deliver an instrument dedicating to the city a parcel or parcels of land in lieu of cash payment, as contemplated in § 16-611(2), the city manager or designee, at the petitioner's expense, may either obtain a policy of title insurance insuring title of the property to the city, or a certificate of title as to the title insurance insuring title of the property to the city. (as added by Ord. #996, June 2011)