

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.
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16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall obstruct 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. (2000 Code, § 16-101)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street or alley at a height of less than fourteen feet (14'). (2000 Code, § 16-102)

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, hedge, or other obstruction which prevents persons

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (2000 Code, § 16-103)

16-104. Projecting awnings, etc., restricted. No person shall erect or maintain awnings or other projections which shall project from any building or structure over any sidewalk more than the width of the sidewalk. Furthermore, a clear space of not less than eight feet (8') shall be provided below all parts of awnings, or other projections. (2000 Code, § 16-104)

16-105. 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 to swing open upon or over any street, alley, or sidewalk. (2000 Code, § 16-105)

16-106. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to place, throw, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, or other objects which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (2000 Code, § 16-106)

16-107. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting a sidewalk are required to keep the sidewalk clean and unobstructed. Also, immediately after a snow such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (2000 Code, § 16-107)

16-108. Parades regulated. It shall be unlawful for any person, club, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets of the city without some responsible representative first securing a permit from the city manager. No permit shall be issued by the city manager 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 and unless such representative, for an event with less than three hundred (300) participants, shall provide a certificate of insurance at the city manager's request. Furthermore, it shall be unlawful for any person obtaining such a permit to fail to carry out this agreement to clean up the resulting litter immediately. (Ord. #48-20, Oct. 2012)

16-109. 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. (2000 Code, § 16-109, modified)

16-110. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably to interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (2000 Code, § 16-110)

16-111. Street acceptance policy. In order to provide for adequate street improvements, elimination of traffic congestion, and the health, safety, and general welfare of the citizens of the City of Elizabethton, Tennessee:

(1) The City Council of the City of Elizabethton, Tennessee, shall not accept as a public street any recorded right-of-way until it has met the minimum construction standards of the Subdivision Regulations¹ of the City of Elizabethton, Tennessee.

(2) Prior to final acceptance of a proposed street as a public street, the Elizabethton Regional Planning Commission shall study a plat of the proposed street and make its approval or disapproval known to the city council. (2000 Code, § 16-111)

16-112. Uniform numbering system for properties and buildings.

(1) System adopted. A uniform system of numbering properties and principal buildings, as shown on the map identified by the title Elizabethton, Tennessee - Property Numbering System which is filed in the office of the city clerk, is hereby adopted for use in the City of Elizabethton, Tennessee. This map and all explanatory matter thereon is hereby adopted and made a part of this section.

(a) All properties or parcels of land within the corporate limits of Elizabethton, Tennessee, shall hereafter be identified by reference to the uniform numbering system adopted herein, provided, all existing numbers of property and buildings not now in conformity with provisions of this section shall be changed to conform to the system herein adopted within two (2) months from the date of passage of the provisions of this section.

(b) A separate number shall be assigned according to the interval designated in the following schedule and as indicated on the accompanying maps.

Within Zone 2, a separate number shall be assigned for each fifty feet (50') of frontage.

(c) Each principal building shall bear the number assigned to the frontage on which the front entrance is located. In case a principal

¹The subdivision regulations are of record in the planning and development office.

building is occupied by more than one (1) business or family dwelling unit, each separate front entrance of such principal building shall bear a separate number.

(d) Numerals indicating the official numbers for each principal building or each front entrance to such building shall be posted in a manner as to be visible from the street on which the property is located. The purchase and installation of numerals shall be the responsibility of the property owner.

(2) Administration. (a) The building department shall be responsible for maintaining a record of the numbering system and coordinating such activity with and through the Carter County Emergency Communications District (911). In the performance of this responsibility the building department shall be guided by the provisions of this section.

(b) The building department shall keep a record of all numbers assigned under this section. (2000 Code, § 16-112)

16-113. Regulation of use of play vehicles in business districts and other areas. It shall be unlawful for any person to use roller skates, roller blades, scooters, skateboards, or any similar vehicle or toy or article on wheels on any public street, roadway, alley, sidewalk, or in any public park, within any designated or zoned business district, except in such areas as may be specifically designated for such purpose and so identified by signage, such as upon the linear pathway. It shall be unlawful for any person to use roller skates, roller blades, scooters, skateboards, or any similar vehicle or toy or article on wheels at any city owned facility, except in such areas as may be specifically designated for such purpose and so identified by signage. It shall be unlawful for any person to utilize roller skates, roller blades, scooters, skateboards, or any similar vehicle or toy or article on wheels in an unlawful or reckless manner which would interfere with or inconvenience any pedestrians using such rights-of-way. The riding of roller skates, roller blades, scooters, skateboards, or any similar vehicle or toy or article on wheels, on picnic tables, benches, or other park facilities is strictly prohibited. (2000 Code, § 16-113)

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.

16-201. 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 city engineer is open for business and said permit shall be retroactive to the date when the work was begun. (2000 Code, § 16-201)

16-202. Applications. Applications for such permits shall be made to the building official, 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 to the work to be done. Such application shall be rejected or

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).

approved by the building official within forty-eight (48) hours of its filing. (2000 Code, § 16-202)

16-203. Fee. The fee for such permits shall be as follows:

Open cuts in pavement with maximum depth of trench to three feet (3').

Five dollars and forty cents (\$5.40) per lineal foot of horizontal pavement cut.

Open cuts in pavement with maximum depth of trench between three feet and six feet (3' and 6').

Seven dollars and twenty cents (\$7.20) per lineal foot of horizontal pavement cut.

Tunneling under pavement without affecting base, pavement, or load bearing properties of the pavement.

One dollar (\$1.00) per lineal foot of horizontal pavement tunneling.

Open cuts in nonpaved city owned public right-of-way.

One dollar (\$1.00) per lineal foot of horizontal ground cut.

In no case shall the fee exceed fifty dollars (\$50.00) for this item. (2000 Code, § 16-203)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the building department a cash deposit to insure the proper restoration of the ground and laying of the pavement. The deposit shall be as follows:

Open cuts in pavement of thickness up to three inches (3") with maximum depth of trench to three feet (3').

Twenty-five dollars (\$25.00) per lineal foot of horizontal pavement cut.

Open cuts in pavement of thickness up to three inches (3") with maximum depth of trench between three feet and six feet (3' and 6').

Fifty dollars (\$50.00) per lineal foot of horizontal pavement cut.

Tunneling under pavement without affecting base, pavement, or load bearing properties of the pavement.

Twenty dollars (\$20.00) per lineal foot of horizontal pavement tunneling.

Open cuts in non paved city owned public right-of-way.

Ten dollars (\$10.00) per lineal foot of horizontal ground cut.

Cuts affecting sidewalks, curbs and/or other pavements or structures not described above.

Bond to be calculated separately.

Where a utility cut does not fit into the categories above, the building official will determine the required deposit by calculations deemed applicable by him. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the building official may increase the amount of the deposit to an amount considered by him to be adequate to cover said cost. From this deposit

shall be deducted the total expense to the city of repairing any part of the utility cut if this is done by the city or at its expense.

A portion of the balance of the deposit (no greater than fifty percent (50%)) shall be returned to the applicant without interest after the tunnel or excavation has been completely repaired to the satisfaction of the building official. The remaining balance of the deposit shall be returned to the applicant without interest after a period of one (1) year from the date the tunnel or excavation was completely repaired to the satisfaction of the building official. If additional repairs to the utility cut are needed within this one (1) year period, the applicant will be given a notice by the building official to make such repairs within a period of time designated by the building official. If the applicant fails to make such repairs within the given period of time to the satisfaction of the building official, then the city shall use the deposit to cover all costs associated with making such repairs.

In lieu of a deposit the applicant may deposit with the building department a surety bond in such form and amount as the building official shall deem adequate, based on the procedure stated above, to cover the costs to the city if the applicant fails to make proper restoration. The surety bond shall be treated in the same manner as a cash deposit as described above. (2000 Code, § 16-204)

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. (2000 Code, § 16-205)

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 by the standards and methods described as follows:

BACKFILLING

(1) General:

(a) After pipework and pipe bedding has been approved, backfill trenches with TYPE I, TYPE II, OR TYPE III BACKFILL, as hereinafter specified, indicated, or as authorized.

(b) Utility cuts crossing streets, roads, gravel driveways, and dirt driveways: Backfill the trenches and make the crossing usable by vehicular traffic immediately after laying pipe and obtaining approval

thereof, and maintain these crossings usable by vehicular traffic at all times. Do not under any circumstances leave street or road crossing or a private driveway unusable overnight.

(c) For each area of utility cut, allow only a minimum length of trench to remain without backfill at any time. Any area to remain without backfill overnight must be approved by building official prior to cut. Under no circumstances will a trench be allowed to stay open overnight unless proper barricading is provided and there is a legitimate reason for leaving the cut open. All unbackfilled trenches shall be provided with barricades, warning lights and flares, and other safety devices or measures when the work is not in progress.

(d) All compaction of backfill shall be subject to field density tests by the building official and/or a testing laboratory.

(e) At applicant's expense, remove, replace, and recompact all backfill which fails to comply with compaction density requirements herein specified.

(2) Type I backfill, for utility cuts under nonpaved areas, except areas within five feet (5') horizontal distance from edge of pavement, and for utility cuts where indicated or authorized:

(a) Unless otherwise indicated, specified, or authorized, place all Type I backfill from top of pipe bedding up to finished grade by approved method. Windrow suitable excess excavated materials over the trenches, and after sufficient settlement has occurred, not to exceed a two (2) week period, complete the surface dressing surplus material removal, and surface cleanup and restoration.

(b) Type I backfill materials from top of pipe bedding up to finished grade shall be any materials removed from the excavation and suitable for backfill, except do not use as backfill material any pieces of the following materials which are larger than six inches (6") in their greatest dimension: rock; stone; concrete; asphalt paving; or masonry. Other backfill materials such as crushed stone may be approved by the building official.

(c) All disturbed surfaces must be replaced with proper vegetation or ground cover.

(3) Type II backfill, for utility cut which parallels paved surfaces and which is installed within five feet (5') horizontal distance from edge of pavement and for utility cut where indicated or authorized:

(a) Unless otherwise indicated, specified or authorized, place all Type II backfill from top of pipe bedding to finished grade or paving subgrade in six inch (6") maximum thickness loose layers, and compact each layer with mechanical tampers to obtain ninety-five percent (95%) of the maximum density as determined by ASTM D698 (Standard Proctor).

(b) Backfill materials from top of pipe bedding up to finished grade or paving subgrade shall be any materials removed from the excavation and suitable for backfill, except do not use as backfill material any pieces of the following materials which are larger than six inch (6") in their greatest dimension: rock; stone; concrete; asphalt paving; or masonry. Other backfill materials such as crushed stone may be approved by the building official.

(4) Type III backfill, for utility cut under paved areas, for areas proposed to be paved, and for utility cut where indicated or authorized:

(a) Where Type III backfill is indicated, specified, or authorized, backfill trenches from top of pipe bedding to paving subgrade with granular materials compacted to one hundred percent (100%) of the maximum density as determined by ASTM D2049.

(5) Dispose of all excavated materials which are not placed as backfill in a proper manner.

(6) Final requirements. (a) Throughout construction of the project until the time of final acceptance, and also during the duration of the guarantee period: Maintain the backfilled and repaved trenches.

(b) At the applicant's expense:

(i) Refill, recompact, and smooth off as required all backfill which settles, so that all backfill finally conforms to the original grade or paving subgrade as applicable.

(ii) All pavement which may be damaged by settlement of backfill shall be removed and replaced after backfill has been repaired as specified above.

CUTTING AND REPLACING PAVEMENT AND OTHER SPECIAL SURFACES

(1) Restore to at least the conditions which existed before excavation, all surfaces which have been disturbed by the utility cut. Prior to construction, the building official will examine the existing surface in the applicant's presence, and the type of surface to be replaced in each case shall be determined by the building official.

(2) Where utility cuts are to be made among shoulder of roads and/or streets, the applicant shall repair all damage to paving which occurs as a result of the utility cut. Maintain all crossings until project completion.

(3) Prior to making any excavation, outline the limits of the proposed excavation and saw cut the pavement along the outline to a depth of at least one inch (1") to provide a smooth pavement cut line. Carefully remove the pavement between the saw cuts and avoid damage to the paved surface outside the saw cuts. Replace with new surfaces all existing surfaces which are cut, removed, or otherwise damaged by the work under this contract, as specified hereinafter.

All new surfaces shall conform accurately to the elevations and contours of the existing adjacent undisturbed surfaces.

(4) Existing gravel surfaces: Replace these with a six inch (6") thick compacted layer of new road gravel.

(5) Existing asphalt ("black top" single bituminous surfaces and double bituminous surfaces): replace these with a six inch (6") thick compacted base course of new road gravel. The 6 base course shall be considered as a temporary traffic surface and shall be maintained in good condition until paved. Maintenance shall include: filling pot holes, work necessary to confine stone to trench area by sweeping with mechanical sweeper with collection hopper and water fed brooms, and watering temporary surface daily, if necessary, for dust control. To avoid mixture of earth backfill and limestone base, all excess excavated material shall be removed from the work area prior to placing of the base course. Permanent pavement to consist of three inches (3") of Tennessee Department of Transportation, Bureau of Highways Subsection 411, Grading D, Asphaltic Concrete Surface (Hot Mix). Before laying asphaltic concrete surface course, apply a prime coat to the underlying base course, as specified hereinafter.

(6) Prime coat: This shall be one of the following types of liquid asphalt as authorized for the conditions involved: RC 70; RC 250; MC 250. Heat the priming material and apply it with a suitable asphalt distributor, at a uniform rate of 0.25 to 0.50 gallons per square yard of base, all as approved.

(7) Repair of existing concrete surfaces including roads, sidewalks, curbs, and gutters:

(a) General: Remove existing sidewalks and curbs and gutters only as required for utility cut and replace removed sidewalks and curbs and gutters with new sidewalks and curbs and gutters, which shall match existing undisturbed corresponding items in dimensions, finishes, grades, and arrangements.

(b) New concrete shall be three thousand (3,000) psi with an air entrainment value of six percent (6%) (\pm one percent (1%)). The water cement ratio shall be not greater than 0.50 by weight. Concrete slump shall be one to three inches (1" - 3").

(c) Expansion joints: Provide expansion joints on twenty foot (20') maximum centers in curbs and gutters and on thirty-five foot (35') maximum, centers in sidewalks, full depth of concrete cross section, and formed with ASTM D1751 one-half inch (1/2") thick expansion joint filler.

(8) Where utility cut is made on the shoulders parallel to asphalt, maintain ditches until they are firm and present no traffic hazard. Where authorized, place six inch (6") thick compacted layers of new road gravel. (2000 Code, § 16-206)

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 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 and in no case shall the insurance limits be less than those stated by the building official. (2000 Code, § 16-207)

16-208. Time limits. Upon approval of the utility cut permit by the building official, the applicant shall have sixty (60) days in which to begin the utility cut. After sixty (60) days the utility cut permit will be void and the applicant must reapply for a new utility cut permit.

Before beginning any utility cut the applicant must notify the building official of the exact time the utility cut will be made. This notification must be made at least five (5) hours before making the utility cut if the utility cut is to be made during normal work hours of the building official. If the utility cut is to be made at a time other than during normal work hours of the building official then the applicant must notify the building official at least seventy-two (72) hours before the utility cut is to be made. Any violation of this notification schedule will result in the applicant having to pay an additional fee equal to that of the original permit fee. Any right-of-way cuts made because of the need for emergency repairs may be performed, however, a utility cut permit must be obtained during the next business day.

The applicant for a utility cut permit must state a complete time frame for the restoration of a utility cut at the time of application. This time frame may or may not be approved by the building official. In any case a complete time frame must be agreed upon before the utility cut permit will be granted. Failure to restore the utility cut within the time frame established for the utility cut permit will result in a penalty being imposed on the applicant equal to the original fee for each complete twenty-four (24) hour period after the expiration of the time frame established for the utility cut permit. In cases where the utility cut cannot be restored within the time frame established for the utility cut permit for legitimate reasons, the applicant may request from the building official an extension on the allowed time. Such request must be made before the expiration of time on the utility cut permit. The building official shall in his sole discretion approve or reject such request based on his judgment of the merit of the request.

The building official may at any time during the utility cut process order the applicant to immediately restore the utility cut to its original condition. The building official may at any time authorize the restoration of the utility cut either by city personnel or a contractor hired by the city to perform the

restoration. If the utility cut is restored by the city or on its behalf, all costs will be paid for by the deposit or bond provided by the applicant.

In addition to the notification procedure required before beginning a utility cut, the building official shall be notified by the applicant of the time for beginning any stage of the utility cut restoration as deemed necessary by the building official for inspection purposes. Failure to notify the building official at least one (1) hour before the specified stage of the restoration process will result in a penalty, for each offense, to be paid by the contractor equal to the permit fee. (2000 Code, § 16-208)