

**TITLE 16**

**STREETS AND SIDEWALKS, ETC<sup>1</sup>**

**CHAPTER**

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2. EXCAVATIONS AND CUTS.

**CHAPTER 1**

**MISCELLANEOUS**

**SECTION**

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**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. (1980 Code, § 12-101)

**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, and/or alley at a height of less than fourteen (14) feet. If such limbs are projecting out over said streets and/or alley the public works department shall utilize prudent judgement to trim, cut, or remove these projecting limbs for the sake of public safety. (1980 Code, § 12-102, as replaced by Ord. #1089, June 2001)

**16-103. Trees, etc., obstructing view at intersections prohibited.** It shall be unlawful for any property owner or occupant to have or maintain on

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

his 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. (1980 Code, § 12-103)

**16-104. Projecting signs and awnings, etc., restricted.** Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.<sup>1</sup> (1980 Code, § 12-104)

**16-105. Banners and signs across streets and alleys restricted.** It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the city council. (1980 Code, § 12-105)

**16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by statute. (1980 Code, § 12-106)

**16-107. Littering streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1980 Code, § 12-107)

**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. (1980 Code, § 12-108)

**16-109. Abutting occupants to keep sidewalks clean, etc.** The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1980 Code, § 12-109)

**16-110. Parades, etc., regulated.** It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the chief of police. No permit shall be issued by the chief

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<sup>1</sup>Municipal code reference  
Building code: title 12, chapter 1.

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. (1980 Code, § 12-110)

**16-111. Operation of trains at crossings regulated.** No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law. It shall also 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. (1980 Code, § 12-111, modified)

**16-112. Animals and vehicles on sidewalks.** (1) 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 interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section.

(2) Bicycles, skateboards, roller-skates and in-line skates are specifically prohibited on the sidewalks of the Downtown Business District during normal business hours. (1980 Code, § 12-112, as replaced by Ord. #990, Oct. 1997)

**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. (1980 Code, § 12-113)

**16-114. Acceptance of streets, easements and rights-of-ways.** Conditions upon which streets, easements, and right-of-ways will be accepted by the City of Dickson for maintenance are:

(1) The City of Dickson will accept for maintenance and incorporate into its street system only those roads, streets, easements and right-of-ways which comply with the requirements of the subdivision regulations of the City of Dickson.

(2) Before the City of Dickson will accept for maintenance and incorporate into its street system any road, easement, street or right-of-way, the owner or owners shall dedicate by resolution said road, easement, street and/or right-of-way for public use. (1980 Code, § 12-114)

**CHAPTER 2****EXCAVATIONS AND CUTS<sup>1</sup>****SECTION**

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-205. Performance bond.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.

**16-201. Permit required.** It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, sidewalk or public place, or to tunnel or bore under any street, alley, sidewalk 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 director of public works is open for said business and said permit shall be retroactive to the date when the work was begun. All government entities and/or agencies shall be regulated by the City of Dickson municipal policies specifically mandated for that entity and/or agency. (1980 Code, § 12-201, as replaced by Ord. #1225, Dec. 2006, and amended by Ord. #1318, May 2013)

**16-202. Applications.** Applications for such permits shall be made to the director of public works, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or

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<sup>1</sup>State 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. 340 S.W.2d 885 (1960).

tunnel and/or boring, the size thereof, a sketch or drawing to scale of the proposed action, 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 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 approved by the director of public works within twenty-four (24) hours of its filing. (1980 Code, § 12-202, as replaced by Ord. #1225, Dec. 2006)

**16-203. Fee.** The fee for such permits shall be one hundred dollars (\$100.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels and/or boring not exceeding twenty-five (25) feet in length; and twenty dollars (\$20.00) for each additional square foot in the case of excavations, or lineal foot in case of tunnels and/or borings. This fee may be waived for all utility companies by separate agreement. (1980 Code, § 12-203, as replaced by Ord. #1225, Dec. 2006)

**16-204. Manner of excavating–barricades and lights–temporary sidewalks.** Any person, firm, corporation, association, or others making any excavation, tunnel, or boring 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 light shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is locked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1980 Code, § 12-205, as replaced by Ord. #1225, Dec. 2006)

**16-205. Performance bond.** In addition to the permit fee, private developers, contractors, individuals, and other permit holders may be required to post a performance bond with the Public Works Department of the City of Dickson. The bond shall be set by the director of public works or his designee and shall be in an amount directly proportionate to the cost of restoring the street, alley, sidewalk or public place to its original condition including resurfacing and replacing all pertinent signage and pavement markings. This performance bond may also be provided as a cash bond or irrevocable letter of credit from an acceptable bank or other lending facility. (1980 Code, § 12-204, as replaced by Ord. #1225, Dec. 2006, and amended by Ord. #1318, May 2013)

**16-206. Restoration of streets, etc.** Any person, firm, corporation, association, or others making any excavation, tunnel, or boring in or under any street, alley, sidewalk or public place in the City of Dickson shall restore said street, alley, sidewalk or public place to its original condition including the surfacing and placing all pertinent pavement marking. In case of unreasonable delay in restoring the street, alley, sidewalk or public place, the director of

public works or his designee shall give notice to the person, firm, corporation, association, or others that unless the excavation, tunnel, or boring is refilled properly within a specified reasonable period of time, the City of Dickson will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified period of time the conditions of the above have not been complied with, the work shall be done by the City of Dickson, and accurate account of the expense involved shall be kept and the total cost shall be either charged to the person, firm, corporation, association, or others who made the excavation, tunnel, or boring or the bond or irrevocable letter shall be utilized as stipulated in § 16-205. (1980 Code, § 12-206, as replaced by Ord. #1225, Dec. 2006, and amended by Ord. #1318, May 2013)

**16-207. Insurance.** In addition to the permit fee, each person, firm, corporation, association, or others applying for an excavation permit shall file a certificate of insurance indicating that the entity, person, firm, corporation, association, others are insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the work, whether such performance 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 insurance shall be prescribed by the director of public works in accordance with the nature of the risk involved; provided however, that the liability insurance for bodily injury shall not be less than five hundred thousand dollars (\$500,000.00) for each person and five hundred thousand dollars (\$500,000.00) for each accident, and for property damages not less than five hundred thousand dollars (\$500,000.00) for any one (1) accident, and a one million (\$1,000,000.00) aggregate. Also, the City of Dickson shall be shown as additional insured. (1980 Code, § 12-207, as replaced by Ord. #1225, Dec. 2006)

**16-208. Time limits.** Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for pavement to be placed or put on by the City of Dickson 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 director of public works. (1980 Code, § 12-208, as replaced by Ord. #1225, Dec. 2006)

**16-209. Supervision.** The director of public works or his designee shall from time to time will inspect all excavation, tunnels, and borings being made in or under public street, alley, sidewalk or other public place in the City of Dickson and see to the enforcement of the provisions of this chapter. Notice shall

be given to him at least twenty-four (24) hours before the work of refilling any such excavation, tunnel, or boring commences. (1980 Code, § 12-209, as replaced by Ord. #1225, Dec. 2006, and amended by Ord. #1318, May 2013)

**16-210. Driveway curb cuts.** No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the director of public works. The permit shall contain all drawings and/or sketches relative to curb cut on commercial curb, and/or curb gutter streets in the City of Dickson. The fee for this permit shall be one hundred fifty dollars (\$150.00) per first twenty (20) feet of curb and/or gutter cut. Each additional lineal foot of cut shall be ten dollars (\$10.00). All curb and gutter shall be restored as per the drawing or sketch as stipulated at the time of permit application. If in the event the party fails to restore the curb and/or curb gutter back to its original design or to the drawing and/or sketch, the City of Dickson shall perform the restoration in accordance with § 16-205. (1980 Code, § 12-210, as replaced by Ord. #1225, Dec. 2006)