

TITLE 16

STREETS AND SIDEWALKS, ETC.¹

CHAPTER

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2. EXCAVATIONS.
3. PARADES.
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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. Temporary banners and signs across streets and alleys restricted.
- 16-105. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-106. Littering streets, alleys, or sidewalks prohibited.
- 16-107. Obstruction of drainage ditches.
- 16-108. Abutting occupants to keep sidewalks clean, etc.
- 16-109. Overhead bridges, trestles, etc.
- 16-110. Animals and vehicles on sidewalks.
- 16-111. Fires in 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. (1969 Code, sec. 12-801)

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 over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1969 Code, sec. 12-802)

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons

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. (1969 Code, sec. 12-803)

16-104. Temporary banners and signs across streets and alleys restricted.¹ It shall be unlawful for any person to place or have placed any banner or sign across or above any public street or alley except when expressly authorized by the city manager after a finding that no hazard will be created by such banner or sign. (1969 Code, sec. 12-805)

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 or door to swing open upon or over any street, alley, or sidewalk except when required by law. (1969 Code, sec. 12-806)

16-106. 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. (1969 Code, sec. 12-807)

16-107. 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. (1969 Code, sec. 12-808)

16-108. 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. (1969 Code, sec. 12-809)

16-109. Overhead bridges, trestles, etc. It shall be unlawful for any person, firm, or corporation hereafter to construct, maintain or permit any overhead bridge, trestle or other structure on, over above or across any of the public streets or thoroughfares of the City of Clinton unless the city council has issued a permit therefor, and unless same is constructed in such a manner as to leave an unobstructed clearance space above the surface of said street or thoroughfare of at least thirteen (13) feet and unless same is so constructed that no pier, pillar or other support of such bridge, trestle or other structure will be

¹Municipal code reference

Comprehensive sign regulations: section 14-309.

placed in or on the traveled portion of such street or thoroughfare. (1969 Code, sec. 12-810)

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 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. (1969 Code, sec. 12-811)

16-111. 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.

CHAPTER 2

EXCAVATIONS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Safety restrictions on excavations.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, including utility districts 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 manager is open for business, and the permit shall be retroactive to the date when the work was begun. (1969 Code, sec. 12-101)

16-202. Applications. Applications for such permits shall be made to the city manager, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating

¹State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

to the work to be done. Such application shall be rejected or approved by the city recorder within twenty-four (24) hours of its filing. (1969 Code, sec. 12-102)

16-203. Fee. The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents (\$0.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (1969 Code, sec. 12-103)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the city manager a cash deposit. The deposit shall be in the sum of five hundred dollars (\$500.00) if no pavement is involved or one thousand dollars (\$1,000.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and, laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the city manager may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the city of relaying the surface of the ground or pavement, and of making the refill if this is done by the city or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the city recorder a surety bond in such form and amount as the city manager shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1969 Code, sec. 12-104)

16-205. Safety restrictions on excavations. 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. (1969 Code, sec. 12-105)

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 the street, alley, or public place to its original condition except for the surfacing, which shall be done by the city but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the city

manager shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the city will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1969 Code, sec. 12-106)

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 city manager in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$100,000 for each person and \$300,000 for each accident, and for property damages not less than \$25,000 for any one (1) accident, and a \$75,000 aggregate. (1969 Code, sec. 12-107)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the city 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. (1969 Code, sec. 12-108)

16-209. Supervision. The person designated by the city manager shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the city and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1969 Code, sec. 12-109)

CHAPTER 3

PARADES

SECTION

- 16-301. "Parade" defined.
- 16-302. Permit required.
- 16-303. Application for permit.
- 16-304. When permit to be issued.
- 16-305. When application to be rejected.
- 16-306. Appeal of recorder's rejection.
- 16-307. Alternate parade permit.
- 16-308. Notice of issuance of parade permit.
- 16-309. Contents of permit.
- 16-310. Duties of permittee; right of way for parades.
- 16-311. Revocation of permit.

16-301. "Parade" defined. A "parade" is any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display, in or upon any street, park or other public place in the city. (1969 Code, sec. 12-201)

16-302. Permit required. No person shall engage in, participate in, aid, form or start any parade unless a parade permit shall have been obtained from the city recorder. However, this chapter shall not apply to:

- (1) Funeral processions.
- (2) Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities.
- (3) A governmental agency acting within the scope of its functions. (1969 Code, sec. 12-202)

16-303. Application for permit. A person seeking issuance of parade permit shall file an application with the city recorder on forms provided by such officer.

(1) Filing period. An application for a parade permit shall be filed with the city recorder not less than five (5) days not more than thirty (30) days before the date on which it is proposed to conduct the parade.

(2) Contents. The application for a parade permit shall set forth the following information.

(a) The name, address and telephone number of the person seeking to conduct such parade.

(b) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the

headquarters of the organization, and the authorized and responsible heads of such organization.

(c) The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct.

(d) The date when the parade is to be conducted.

(e) The route to be traveled, the starting point and the termination point.

(f) The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals, and description of the vehicles.

(g) The hours when such parade will start and terminate.

(h) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed.

(i) The location by streets of any assembly areas for such parade.

(j) The time at which units of the parade will begin to assemble at any such assembly area or areas.

(k) The interval of space to be maintained between units of such parade.

(l) If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the city recorder a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf.

(m) Any additional information which the city recorder shall find reasonably necessary for a fair determination as to whether a permit should be issued. (1969 Code, sec. 12-203)

16-304. When permit to be issued. The city recorder shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

(1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.

(2) The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection for the city.

(3) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service for, areas contiguous to such assembly areas.

(4) The conduct of such parade will not interfere with the movement of fire fighting equipment enroute to a fire.

(5) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or to create a disturbance.

(6) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delay enroute.

(7) The parade is not to be held for the sole purpose of advertising any products or goods, and is not designed to be held purely for private profit. (1969 Code, sec. 12-204)

16-305. When application to be rejected. The city recorder shall act upon the application for a parade permit within two (2) days after the filing thereof. If the city recorder disapproves the application, he shall mail to the applicant within two (2) days after the date upon which the application was filed, a notice of his action, stating the reasons for denial of the permit. (1969 Code, sec. 12-205)

16-306. Appeal of recorder's rejection. Any person aggrieved shall have the right to appeal the denial of a parade permit to the city council. The appeal shall be taken within five (5) days after notice. The city council shall act upon the appeal within ten (10) days after its receipt. (1969 Code, sec. 12-206)

16-307. Alternate parade permit. The city recorder in denying an application for a parade permit shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall within three (3) days after notice of the action of the city recorder, file a written notice of acceptance with the city recorder. An alternate parade permit shall conform to the requirements of and shall have the effect of a parade permit under this chapter. (1969 Code, sec. 12-207)

16-308. Notice of issuance of parade permit. Immediately upon the issuance of a parade permit, the city recorder shall send a copy thereof to the following:

(1) The chief of police.

(2) The fire chief.

(1969 Code, sec. 12-208, modified)

16-309. Contents of permit. Each parade permit shall state the following information:

(1) Starting time.

(2) Minimum speed.

(3) Maximum speed.

(4) Maximum interval of space to be maintained between the units of the parade.

(5) The portions of the streets to be traversed that may be occupied by the grade.

(6) The maximum length of the parade in miles or fractions thereof.

(7) Such other information as the city recorder shall find necessary for the enforcement of this chapter. (1969 Code, sec. 12-209)

16-310. Duties of permittee; right of way for parades. A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(1) Interference. No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

(2) Driving through parades. No driver of a vehicle, street car or trackless trolley shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(3) Parking on parade route. The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or street or part thereof constituting a part of the route of a parade. The chief of police shall post signs to such effect and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this section. (1969 Code, sec. 12-210)

16-311. Revocation of permit. The city recorder shall have the authority to revoke a parade permit issued hereunder upon application of the standards for issuance as herein set forth. (1969 Code, sec. 13-211)

CHAPTER 4

RAILROAD GRADE CROSSINGS

SECTION

- 16-401. Where electrical warning devices required.
- 16-402. Signal to consist of light and gong.
- 16-403. Installation of signals.
- 16-404. Operation of signals.
- 16-405. Responsibility for signals.
- 16-406. Operation of trains at crossings.
- 16-407. Type of grade crossings required.

16-401. Where electrical warning devices required. All persons, firms, and corporations operating railroads within the corporate limits of the City of Clinton, Tennessee, shall install and maintain electrical warning devices to signal the approach of trains on all grade crossings where the rail road lines cross the following public streets in the City of Clinton, Tennessee: Market Street, Lamar Street, Leinart Street, Jarnigan Street, and Weaver Street; Park Avenue and Maire Avenue; Charles G. Seviers Blvd.; and Longmire Road. (1969 Code, sec. 12-401, modified)

16-402. Signal to consist of light and gong. At each of the above designated grade crossing the signal device shall consist of a flashing red light which shall show the word "STOP" when trains, engines, or rail cars are approaching said crossings. The said flashing light shall be of such size as to be clearly readable and legible at a distance of three hundred (300) feet. The signal device shall also cause a gong to sound concurrently with the flashing signal upon the approach of trains, engines, or cars at said grade crossings. The gong shall be clearly audible to pedestrians and vehicular traffic approaching said crossings to warn them of the approach of engines, trains, and rail cars to said crossing. (1969 Code, sec. 12-402)

16-403. Installation of signals. The warning signal devices provided for in this chapter shall be installed, operated and maintained on each side of each railroad crossing and on the right edge of the street or highway as it approaches the grade crossing. The flashing light signal and the gong shall be affixed to a metal post. The bell or gong shall be at the top of the metal post ten (10) feet above the sidewalk level. The flashing light signal shall be approximately eight and one-half (8 1/2) feet above the sidewalk level. These signals shall be located not further than fifteen (15) feet away from the nearest railroad track. In the event that it is impracticable to install the warning signal in the location as provided in this section at any of the specified crossings, the city council may authorize a different location which will efficiently protect the public in the use

of the grade crossing. Such authorization shall be in writing in the form of a resolution and placed upon the minutes of the proceedings of the city council. (1969 Code, sec. 12-403)

16-404. Operation of signals. The signal lights shall commence flashing and the gongs shall commence ringing when the lead engine, train or rail car is not closer than three hundred (300) feet from the center line of the street at the grade crossing. The lights shall continue to flash and the gongs shall continue to ring until the train, engine, or rail cars have completely cleared the grade crossing. (1969 Code, sec. 12-404)

16-405. Responsibility for signals. The installation, erection, and maintenance of the signal devices herein prescribed shall be without expense to the City of Clinton, Tennessee. The signal devices shall be installed and maintained by each railroad where its lines intersect the public streets designated above. The railroad companies shall save the City of Clinton harmless from any and all claims, suits, actions, or other costs, damages, judgments, or losses incident to, or growing out of, or in any wise connected with the erection, maintenance and operation of the signal devices and appurtenances. (1969 Code, sec. 12-405)

16-406. Operation of trains at crossings. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law; nor shall he make such crossing at a speed in excess of twenty-five (25) miles per hour. 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 ten (10) minutes except in an emergency, in which case the City of Clinton may require that the railroad train be uncoupled and separated so as to permit authorized emergency vehicles to cross the obstructed street or alley, although the obstructing railroad train may have been stopped for a period of less than the ten (10) consecutive minutes provided for herein. (1969 Code, sec. 12-406, as amended by Ord. No. 114)

16-407. Type of grade crossings required. On any grade crossing where a railroad crosses a public street within the City of Clinton which carries more than 4,500 vehicles per day, the grade crossing pad shall be constructed of heavy-duty rubber, polyethylene or similar material. The installation and maintenance of the railroad crossings herein described shall be the responsibility of each railroad, and shall be without expense to the City of Clinton. (as added by Ord. No. 268)