

TITLE 16

STREETS AND SIDEWALKS, ETC.¹

CHAPTER

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CHAPTER 1

MISCELLANEOUS

SECTION

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- 16-104. Posting signs on public property and at intersections.
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- 16-107. Drainage ditches.
- 16-108. Abutting occupants to keep sidewalks clean, etc.
- 16-109. Parades, etc., regulated.
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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. (1983 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 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. (1983 Code, § 12-102)

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 tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1983 Code, § 12-103)

16-104. Posting signs on public property and at intersections. It shall be unlawful for any person, firm, or corporation to:

(1) Paint, print, place, post, tack, affix or erect or cause to be painted, printed, placed, posted, tacked, affixed or erected any advertising sign within or extending over the limits of the right-of-way of any public street or highway within the corporate limits of the Town of Jasper, Tennessee, and if and when such signs of any nature are placed within or extending over such rights-of-ways, it shall be the duty of the person, firm, corporation, partnership or association owning said signs or products advertised, to remove such signs therefrom, and/or the Town of Jasper may at its election cause such signs to be removed at the expense of the person, firm, corporation, partnership or association responsible therefor; provided, that this section shall not apply to any official signs advertising the names of streets or highways, or for the purpose of guiding traffic or calling attention to traffic hazards, when such signs are erected by the town or other authorized governmental agency.

(2) Erect or maintain or cause to be erected or maintained at or near any main crossing or intersection of the public street or highways, or any railroad crossing, or sharp curve therein, within the corporate limits of the Town of Jasper, Tennessee, any outdoor advertising sign, structure or device in such a manner as to interfere with the free and unobstructed view of traffic on said public streets and highways. (1983 Code, § 12-104)

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 or door to swing open upon or over any street, alley, or sidewalk except when required by law. (1983 Code, § 12-105)

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. (1983 Code, § 12-106)

16-107. Drainage ditches. (1) It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right-of-way.

(2) For the construction, reconstruction, modification or repair of any driveway which crosses a drainage ditch in any right-of-way of the Town of

Jasper, the town's street superintendent shall approve the driveway culvert for size, location and material prior to installation. Upon proper installation in accordance with the street superintendent's approval, the street superintendent will issue a written authorization to the property owner and/or his/her contractor. (1983 Code, § 12-107, as amended by Ord. #288, Dec. 2003)

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. (1983 Code, § 12-108)

16-109. 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 recorder. No permit shall be issued by the recorder 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 clean up the resulting litter immediately. (1983 Code, § 12-109)

16-110. 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. (1983 Code, § 12-110)

16-111. Animals and vehicles on sidewalks and walking trails. It shall be unlawful for any person to ride, or tie any animal, or ride, push, pull, or place any vehicle, motorized or otherwise, including golf carts, automobiles, four-wheelers, and similar type instrumentalities across or upon any sidewalk or walking trail within the Town of Jasper. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. It is specifically understood that this section does not prohibit the use of wheelchairs or service animals as contemplated by the Americans with Disabilities Act; nor does it prohibit a person from walking on a sidewalk or walking trail with a dog maintained on a leash. (1983 Code, § 12-111, as replaced by Ord. #318, Aug. 2007)

16-112. 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. (1983 Code, § 12-112)

CHAPTER 2

EXCAVATIONS¹

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.
- 16-209. 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, 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 recorder is open for business, and said permit shall be retroactive to the date when the work was begun. (1983 Code, § 12-201)

16-202. Applications. Applications for such permits shall be made to the recorder, 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

¹Sections 12-201 through 12-209 in this chapter were patterned substantially after the ordinance upheld by the Tennessee Supreme Court in 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 recorder within twenty-four (24) hours of its filing. (1983 Code, § 12-202)

16-203. Fee. The fee for such permits shall be one hundred (\$100.00) dollars. (1983 Code, § 12-203, as replaced by Ord. #278, Feb. 2002)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of one hundred (\$100.00) dollars, if no pavement is involved or five hundred (\$500.00) dollars 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 recorder may increase the amount of the deposit to an amount considered by him/her to be adequate to cover the said cost. From this deposit shall be deducted the expense to the municipality of relaying the surface of the ground or pavement, and of making the refill if this is done by the municipality 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 recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the municipality if the applicant fails to make proper restoration. The recorder or his/her designee may, in his discretion waive the requirement for a bond or deposit. (1983 Code, § 12-204, as replaced by Ord. #278, Feb. 2002)

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. (1983 Code, § 12-205)

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 municipality shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the municipality 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 recorder 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 municipality 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 municipality, 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. (1983 Code, § 12-206)

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 performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$100,000 for each person and \$300,000 for each accident, and for property damages not less than \$25,000 for any one (1) accident, and a \$75,000 aggregate. (1983 Code, § 12-207)

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 municipality if the municipality 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 recorder. (1983 Code, § 12-208)

16-209. Supervision. The recorder 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 municipality 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. (1983 Code, § 12-209)

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 recorder. 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. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge, and when two (2) or more adjoining driveways are provided for the same property, a safety island of not less than ten (10) feet in

width at its outer or street edge shall be provided to separate said driveways. Driveway aprons shall not extend into the street. (1983 Code, § 12-210)

CHAPTER 3

RIGHTS AND OBLIGATIONS OF TELEPHONE COMPANY IN USE OF
STREETS

SECTION

- 16-301. Right of South Central Bell Telephone Company to construct, maintain and operate telephone and telegraph lines.
- 16-302. Exercise of right subject to town supervision.
- 16-303. Obligation of South Central Bell Telephone Company to town.
- 16-304. Indemnification.
- 16-305. Rights granted by town not a surrender of other rights and powers.

16-301. Right of South Central Bell Telephone Company to construct, maintain and operate telephone and telegraph lines. Permission is hereby granted to the South Central Bell Telephone Company, its successors and assigns, to construct, maintain, and operate lines of telephone and telegraph, including the necessary poles, conduits, cables, fixtures and electrical conductors upon, along, under and over the public roads, streets and highways of the Town of Jasper, Tennessee as its business may from time to time require, provided that all poles shall be neat and symmetrical. (1983 Code, § 12-301)

16-302. Exercise of right subject to town supervision. The work of erecting poles and constructing underground conduits under this chapter shall be done subject to the supervision of the town, and the company shall replace or properly relay and repair any sidewalk or street that may be displaced by reason of such work, and upon failure of the company to do so, after twenty days' notice in writing shall have been given by the mayor of the town to the company, the town may repair such portion of the sidewalk or street that may have been disturbed by the company, and collect the cost so incurred from the company. (1983 Code, § 12-302)

16-303. Obligation of South Central Bell Telephone Company to town. In consideration of the rights and privileges herein granted, the company, when requested by the town, will designate and provide without cost to the town (1) on each pole owned and used by the company hereunder and during its ownership and use thereof, either (a) space for a fixture for, or (b) space for a crossarm for, wires of the police and fire alarm signalling system of the town, and (2) in each underground conduit owned and used by the company hereunder and during its ownership and use thereof, one duct for the cables of the police and fire alarm and signalling system of the town; provided, however, that no use shall be made by the town of said space on such poles or of said duct which will result in interfering with or impairing the operation or use of the company's property or service, or which will endanger, damage or injure the person or

property of the public or employees of the company or town. (1983 Code, § 12-303)

16-304. Indemnification. The company shall indemnify the town against, and assume all liabilities for, damages which may arise or accrue to the town for any injury to persons or property from the doing of any work herein authorized, or the neglect of the company or any of its employees to comply with any ordinance regulating the use of the streets of the town, and the acceptance by the company of this chapter shall be an agreement by it to pay to the town any sum of money for which the town may become liable from or by reason of such injury. (1983 Code, § 12-304)

16-305. Rights granted by town not a surrender of other rights and powers. Nothing in this chapter shall be construed as a surrender by the town of its right or power to pass ordinances regulating the use of its streets, or as a surrender of its rights and powers to levy any tax or charge against said company which the town is otherwise authorized by law to levy or charge. (1983 Code, § 12-305)