TITLE 16

STREETS AND SIDEWALKS, ETC.¹

CHAPTER
1. STREET CUTS.
2. CONSTRUCTION AND REPAIR OF SIDEWALKS.
3. RAILROADS.
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CHAPTER 1

STREET CUTS²

SECTION
16-101. Permit required.
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16-105. Safety restrictions on excavations.
16-106. Restoration of streets, etc.
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16-101. 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, sidewalk or public place, or to tunnel 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

¹Municipal code reference
Motor vehicles: title 15.

²Municipal code reference
See Appendix C for utility/street cut guidelines and application forms.
beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the public works director is open for business, and the permit shall be retroactive to the date when the work was begun. Harriman Utilities and all franchised utilities shall be given a blanket permit annually, but must notify the public works director on such form as he shall require each time a cut or bore is made.

16-102. Applications. Applications for such permits shall be made to the public works director, 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 approved or rejected by the public works director within twenty-four (24) hours of its filing. (1974 code, sec. 12-102, modified)

16-103. Fee. The fee for such permits shall be one hundred fifty dollars ($150.00). This fee is to cover the cost of inspection of backfill, and an asphalt patch of up to forty-eight (48) square feet. Any excavation larger than that shall require an additional fee to be determined by the public works director.

Harriman Utilities, as a part of the City of Harriman, is hereby authorized to perform and certify the backfilling inspections for work performed by their own crews. Repairs done by contractors of Harriman Utilities shall be inspected by the city. Since Harriman Utilities will save the city's cost of inspection, the fee for their permits using their own crews shall be one hundred dollars ($100.00). Repair permits for their contractors shall remain at one hundred fifty dollars ($150.00). (1974 code, sec. 12-103, modified)

16-104. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the city 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 pavement, if necessary. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the public works director may increase the amount of the deposit to an amount he deems 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 its contractor. 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. The public works director shall waive the bond requirements for Harriman Utilities and any utility company franchised by the City of Harriman or the State of Tennessee.
In lieu of a deposit the applicant may deposit with the city clerk a surety bond in such form and amount as the public works director shall deem adequate to cover the costs to the city if the applicant shall fail to make proper restoration. (1974 code, sec. 12-104, modified)

16-105. 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. 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, as required in the Uniform Manual for Traffic Control Devices. (1974 code, sec. 12-105, modified)

16-106. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, sidewalk, or public place in this city shall restore the street, alley, sidewalk, or public place to its original condition following guidelines established by the public works director. However, the asphalt resurfacing 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, sidewalk, or public place, the city 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 the conditions of the above notice have not been met within the specified time, the work shall be done by the city, an accurate account of the expense involved kept, and the total cost shall be charged to the person, firm, corporation, or others making the excavation or tunnel. Reasonable time for repair is defined as forty-eight (48) hours from the time the excavation begins. Utility companies may request a time extension if line repair requires it. If requested by the applicant, the city shall make the sidewalk repairs and charge the full expense thereof to the applicant.

Any person, firm, corporation, association, or others making any bore under any street, alley, sidewalk, or public place in this city shall restore the street, alley, sidewalk, or public place to its original condition if boring results in any damage to the original condition. Said repairs shall be made following guidelines established by the public works director. If the necessary repairs are not made within a reasonable time as set out by the public works director, the work shall be done by the city, an accurate account of the expenses involved kept, and the total cost charged to the person, firm, corporation, or others making the bore.
If the public works director makes any changes in the guidelines authorized in this chapter for repair of the streets, sidewalks, or other public places, then the city council shall be notified in writing of the change(s) at its next regularly scheduled meeting. The notification shall explain fully the reasons for the changes. (1974 code, sec. 12-106, modified)

16-107. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applicant 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 might arise from or out of the performance of the work, either 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 clerk in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than $150,000 for each person and $350,000 for each accident, and for property damages not less than $50,000 for any one (1) occurrence, and a $75,000 aggregate. (1974 code, sec. 12-107, modified)

16-108. 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 paving by the city. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the public works director. (1974 code, sec. 12-108, modified)

16-109. Supervision. The public works director or his designees shall inspect all excavations and tunnels being made in or under any public street, alley, sidewalk or other public place in the city, and shall be responsible for the enforcement of the provisions of this chapter. Notice shall be given to him or his designees at least two (2) hours before the work of refilling any such excavation or tunnel commences. The public works director or his designees are hereby authorized to issue stop work orders on any job where the excavation or refilling is not being carried out safely, or in compliance with this chapter and the guidelines for restoration required in § 16-106. (1974 code, sec. 12-109, modified)

16-110. Driveways. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the public works director. 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. Driveway aprons shall not extend out into the street.

All new constructions or replacement of driveway drainage culverts shall have minimum dimensions of 15 inches in diameter for metal corrugated pipe or 12 inches in diameter for concrete pipe, and twenty (20) feet in length, and shall be constructed in a manner not to impede adequate drainage along the road right-of-way. Such minimum requirements may be increased by the city on any installation when it determines that drainage flows warrant larger dimensions. (1974 code, sec. 12-110, modified)
CHAPTER 2

CONSTRUCTION AND REPAIR OF SIDEWALKS

SECTION
16-201. Specifications for sidewalks.
16-202. Notice to owner of abutting property to build or repair.
16-203. Service of notice, filing, etc.
16-204. Information to be shown in notice.
16-205. Duty of owner upon receipt of notice.
16-206. Failure of owner to comply with notice--city to advertise for bids and have work done.
16-207. Expenses paid by city to constitute charge against owner and lien against property.
16-208. Materials not to be piled in gutters or sewers: use of streets.
16-209. Walkways to be kept open; removal of surplus and refuse material.

16-201. Specifications for sidewalks. The city council shall specify the size, width, materials, construction standards, and other requirements for all sidewalks constructed or repaired within the city. (1974 code, sec. 12-201)

16-202. Notice to owner of abutting property to build or repair. Whenever in the opinion of the city council it is to the public interest and convenience that a sidewalk or pavement shall be built or repaired along the front of or adjoining any lot or part of lot in the city, the city council shall, by resolution, cause to be served upon the owner of such lot or part of lot, or agent in charge of such property, a written or printed notice specifying with reasonable certainty the work to be done and require the same to be built, made, or repaired within thirty (30) days after service of such notice. (1974 code, sec. 12-202)

16-203. Service of notice, filing, etc. The service of the notice required by the preceding section may be made by the marshal or any policeman of the city, a copy of the notice being delivered to the proper parties and the original endorsed by such officer to show when and upon whom served and returned and filed with the city clerk.

In case the owner of such property is a nonresident of the city, the city clerk shall forward a copy of such notice by registered mail to such nonresident to his post-office address if it be known. The city clerk shall keep a copy of the notice mailed. In case such address cannot be ascertained by diligent inquiry,

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1 Charter reference
Article II, section 18(48).
such notice shall be published in one issue of some newspaper published in the city. In all cases the original notice shall be filed in the office of the city clerk and kept by him as part of the records of the city and, in case of mailed or published notice as above required, the city clerk shall endorse thereon the manner and time of service. In case of a published notice as above provided, the city clerk shall require from the publisher proof, by affidavit, of the fact of publication which shall be attached and kept as part of the records. Such affidavit shall be prima facie evidence of such publication. (1974 code, sec. 12-203)

16-204. **Information to be shown in notice.** The notice to be given under the provisions of the two preceding sections shall contain the names of owners and the number of feet fronting or adjoining each lot along such sidewalk or pavement required to be constructed or repaired, naming the particular streets on which such property is located. A substantial compliance with these requirements shall be sufficient. (1974 code, sec. 12-204)

16-205. **Duty of owner upon receipt of notice.** It shall be the duty of the owner of any property designated, upon being notified as provided in this chapter, to proceed at once to construct or repair such sidewalk or pavement according to the specifications herein provided. (1974 code, sec. 12-205)

16-206. **Failure of owner to comply with notice--city to advertise for bids and have work done.** If, at the expiration of the time in which the owners are required by the notice to do the work, as contemplated by this chapter, they shall have failed to do the same, as required by resolution of the city council and this chapter, it shall be the duty of the regular street committee of the city to advertise for five (5) consecutive days by written or printed notices posted in at least three (3) public places in the city, for the lowest and best bidder to construct the walk required in the notice given to such bidder to construct the walk required in the notice given to such defaulting owner. The person or contractor to whom the work may be awarded shall build or repair the same as required by resolution and this chapter. The street committee shall have power to reject any or all bids. (1974 code, sec. 12-206)

16-207. **Expenses paid by city to constitute charge against owner and lien against property.** Construction or repairs of sidewalks, under the provisions of the preceding section, shall be made at the expense of the city and the costs of such improvements fronting or adjoining the property of such defaulting owner shall be ascertained and the amount thereof shall constitute a charge against such property to secure the amount so expended. The lien may be enforced in any court of competent jurisdiction, or, at the election of the city, suit may be brought for the collection of such amount as in the case of any other debt. (1974 code, sec. 12-207)
16-208. **Materials not to be piled in gutters or sewers; use of streets.** No material resulting from the construction or repair of sidewalks shall be piled in the gutters or sewers and not more than one-fourth of the street shall be used in prosecuting the work. (1974 code, sec. 12-208)

16-209. **Walkways to be kept open; removal of surplus and refuse material.** In the construction or repair of sidewalks, a sufficient walkway shall be kept open to permit the public to enter or leave any premises in front of which work is going on. Surplus and refuse material shall be removed by the contractor within ten (10) days after the completion of the work. (1974 code, sec. 12-209)
CHAPTER 3

RAILROADS

SECTION
16-301. Maintenance of crossings.
16-302. Warning to be given at crossings.
16-303. Warning devices or flagmen may be required at crossings.
16-304. Obstruction of traffic.
16-305. Company orders in violation of chapter.

16-301. **Maintenance of crossings.** All railroad companies operating trains across the streets and alleys of the city shall lay and keep in good repair the pavement at all such street and alley crossings. The elevation of the rails shall not be altered without prior approval of the city council. The surface of such pavement shall be on a level with the top of the rails of the tracks and shall be laid between the rails and for a width of at least three feet on the outside of each outside rail of such tracks. The whole shall be laid so as to make a smooth and even surface. When two or more tracks are closer together than twenty feet, pavement shall be laid in the space between each track by the railroad companies. (Ord. 865, sec. 3)

16-302. **Warning to be given 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. (Ord. 865, sec. 3)

16-303. **Warning devices or flagmen may be required at crossings.** When the City Council shall deem it necessary, for the safety of travel on the public streets and alleys of the city crossing a railroad, to have warning devices or flagmen at such crossings, the city council shall, by resolution, declare its determination of such necessity and require the railroad company owning or maintaining the railroad tracks at such crossing to install and maintain the required warning devices or flagmen. The city shall notify the railroad company operating or maintaining the railroad tracks at such crossing of such determination by serving upon the resident agent of such company a copy of such resolution. Such resolution shall specify each crossing to be protected by such warning devices or flagmen, the method of protection to be provided and the hours during which such protection is to be provided. Such resolution shall also specify the date after which such protection is to be provided. (Ord. 865, sec. 3)

16-304. **Obstruction of traffic.** It shall be unlawful for any conductor, engineer or other employee of any railroad company operating within the city to obstruct the street as and alleys or prevent the free passage of traffic for
longer that five minutes at any one time while operating a railroad engine, train or car. (Ord. 865, sec. 3)

16-305. Company orders in violation of chapter. It shall be unlawful for any railroad official to issue or cause to be issued any order providing for the violation of any provision of this chapter or requiring any railroad employee to violate any of the provisions of this chapter. (Ord. 865, sec. 3)
CHAPTER 4

STREET NAMES

SECTION
16-401. Street names.
16-402. Administration.
16-404. Assignment of new street names.
16-405. Penalties.

16-401. Street names. The public streets of the City of Harriman, Tennessee hereby assigned the names by which they are identified on the map identified by the title Harriman Street Naming and Property Numbering Systems,¹ which is filed at the offices of the city clerk and the building inspector. This map, all explanatory matter thereon, and the attached street index, including the sheet entitled "Roadway Designation," is hereby adopted and made a part of this ordinance. (Ord. 836, sec. 1)

16-402. Administration. The Harriman Street Department is hereby held responsible for the erection and maintenance of street markers identifying each public street within the corporate limits of the City of Harriman, Tennessee. (Ord. 836, sec. 2)

16-403. Roadway designations. The following designations are used to identify roadways in the City of Harriman:

(1) Avenues and streets. Avenues--(North-South), Streets--(East-West) Orientation: Roadways which are usually 1,500 feet or longer, or, when shorter, those which future extension potential.

(2) Drives. Usually winding roadways of any length with future extension possibilities. Drives may or may not dead-end.

(3) Roads. Usually a long roadway traversing a large portion of the city and usually ending outside the corporate limits.

(4) Lanes. Usually 1,500 feet or shorter which usually connect two parallel roadways and in rare instances may dead-end.

¹This map apparently has been amended by the following ordinances, of record in the city clerk's office, which close streets and alleys, or portions thereof: 733, 734, 740, 768, 770, 777A, 783, 793, 903, 905, 910, 917, 940, and 945.
(5) **Places and ways.** Place--(North-South, Way--(East-West): Short dead-end roadways usually less than 1,000 feet with little or no future extension possibilities.

(6) **Circles.** Cul-de-sacs of less than 500 feet and loops of any length. Future extension not usually probable.

(7) **Courts.** Very short roadways usually ending at a parking area or short dual-directional roadways with little or no future extension probability.

(Attachment to Ord. 836)

16-404. **Assignment of new street names.** No new street shall be accepted by the city nor municipal improvements made therein or thereon until such streets have been named as hereinafter set out. If they are extensions of existing streets, the existing names shall be continued, and if not extensions, names recorded shall not duplicate or closely approximate names already assigned.

Names of streets in the City of Harriman shall hereafter be and remain as shown on said map unless officially changed by specific ordinance passed subsequent to this date. Further an index of official street names is to be kept on record in the office of the city clerk of the City of Harriman.

16-405. **Penalties.** It is hereby unlawful for any person to knowingly and/or willfully do damage to any street marker. Any person found guilty in appropriate courts of doing damage to street markers shall be punished and deemed guilty of a code violation, and may be fined and required to bear the costs of correcting such damage. (1974 code, sec. 12-314, modified)
SECTION
16-501. Uniform numbering system.
16-502. Assignment of numbers.
16-503. Administration.
16-504. Penalties.

16-501. Uniform numbering system. A uniform system of numbering properties and principal buildings, as shown on the map identified by the title Harriman Street Naming and Property Numbering System, which is filed in the offices of the city building inspector and the city clerk, is hereby adopted for use in the City of Harriman, Tennessee. This map and all explanatory matter thereon, is hereby adopted and made a part of this chapter. (Ord. 837, sec. 1)

16-502. Assignment of numbers. (1) All properties or parcels of land within the corporate limits of Harriman, Tennessee shall hereafter be identified by references to the uniform numbering system adopted herein, provided; all existing numbers of property and buildings not now in conformity with provisions of this chapter shall be changed to conform to the system herein adopted within six months from the date of passage of this chapter.

(2) A separate number shall be assigned for each 25 feet of frontage.

(3) 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.

(4) 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. Such numerals may be obtained from the city building inspector, as provided in section 16-303. (Ord. 837, sec. 2)

16-503. Administration. (1) The city building inspector shall be responsible for maintaining the numbering system. In the performance of this responsibility he shall be guided by the provisions of section 16-502 of this chapter.

(2) The building inspector shall keep a record of all numbers assigned under this ordinance.

(3) The building inspector shall issue to any property owner in Harriman a set of numerals for each principal building or separate front entrance to such building. In doing so, he shall issue only numerals for the number assigned to such building under the provisions of this chapter.
Provided, however, that the building inspector may issue additional numerals in accord with the official numbering system whenever a property has been subdivided, a new entrance opened, or undue hardship has been worked on any property owner. (Ord. 837, sec. 3)

16-504. **Penalties.** Violations of this chapter shall be a misdemeanor and may be punished by the general penalty provisions in this municipal code of ordinances. (Ord. 837, sec. 4, modified)
CHAPTER 6
MISCELLANEOUS

SECTION
16-601. Obstructing streets, alleys, or sidewalks prohibited.
16-602. Trees projecting over streets, etc., regulated.
16-603. Trees, etc., obstructing view at intersections prohibited.
16-604. Projecting signs and awnings, etc., restricted.
16-605. Banners and signs across streets and alleys restricted.
16-606. Gates or doors opening over streets, alleys, or sidewalks prohibited.
16-607. Littering streets, alleys, or sidewalks prohibited.
16-608. Obstruction of drainage ditches.
16-609. Abutting occupants to keep sidewalks clean, etc.
16-610. Parades, etc., regulated.
16-611. Animals and vehicles on sidewalks.
16-612. Fires in streets, etc.

16-601. 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 or otherwise so as to unreasonably interfere with vehicular or pedestrian traffic. (1974 code, sec. 12-301)

16-602. 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 (14) feet. (1974 code, sec. 12-302)

16-603. 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, 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. (1974 code, sec. 12-303)

16-604. 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. (1974 code, sec. 12-304)

16-605. 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 or above any public street or alley except when expressly authorized by the city council. (1974 code, sec. 12-305)
16-606. 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. (1974 code, sec. 12-306)

16-607. 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.

No vehicle shall be driven or moved on any streets, roads, alleys, or ways within the City of Harriman, Tennessee, unless such vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom.

Any vehicle hauling crushed coal or other crushed materials within the City of Harriman shall be so loaded as to have a six (6) inch minimum free board on sides and ends.

The police department of the City of Harriman is hereby authorized and directed to stop and prevent vehicles from entering or using the streets of the City of Harriman except in compliance with the above provisions.

Any person who owns or operates or who authorizes the operation of a vehicle within the corporate limits of the City of Harriman whose contents shall slip, drop, leak, or otherwise escape therefrom, whether said person or persons shall be otherwise deemed to be in violation of the provisions of this section, shall be liable to the City of Harriman for the cost to said city of cleaning or removing such materials from its streets, walks, or property abutting thereon. unless said person or persons shall immediately and without delay proceed to carefully clean or have cleaned said contents from said streets in a manner acceptable to the police department of the City of Harriman. (1974 code, sec. 12-307)

16-608. 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. (1974 code, sec. 12-308)

16-609. 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. (1974 code, sec. 12-309)

16-610. Parades, etc., 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 city clerk. No permit shall be issued by the city clerk 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. (1974 code, sec. 12-310)

16-611. 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. (1974 code, sec. 12-312)

16-612. 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. (1974 code, sec. 12-313)