

## TITLE 16

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

#### CHAPTER

1. MISCELLANEOUS.
2. PUBLIC WORKS DEPARTMENT.
3. EXCAVATIONS AND CUTS.

#### CHAPTER 1

#### MISCELLANEOUS

#### SECTION

- 16-101. Parades, etc. regulated.
- 16-102. Littering streets, alleys, sidewalks prohibited.
- 16-103. Obstruction of sidewalks, alleys, boulevards prohibited.
- 16-104. Burning on sidewalks prohibited.
- 16-105. Limbs, trash, debris on streets prohibited.
- 16-106. Removal of dirt, rubbish, trash from sidewalks, etc.

**16-101. Parades, etc. regulated.** (1) Definitions. The following definitions shall apply in the interruption of this section:

(a) "Parade" shall mean a procession of five or more persons in a public place for display, or a body of five or more promenaders in a public place.

(b) "March" shall mean the advancing in step of an organized body of five or more persons, or walking in a deliberate manner by five or more persons.

(c) "Procession" shall mean the proceeding or moving along in orderly succession, in a formal or ceremonious manner, of a line or body of five or more persons, animals, five or more vehicles or other things.

(d) "Person" shall include any natural person or persons, and where the context permits, any corporation, incorporated or unincorporated association or organization of persons, and the officials and members of any such incorporated or unincorporated association or organization, and the driver of any vehicle.

(e) "Vehicle" shall any gasoline-propelled or other power-propelled vehicle, such as automobile, motor car, motor truck,

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

motorcycle, or similar vehicles, as well as bicycles, buggies, wagons or other animal-drawn vehicles.

(f) "Public places" shall include the public square, any public street or avenue or alley, and any public park, playground or recreation place in the bounds of the City of Lawrenceburg.

(2) Permit required. It shall be unlawful for any person, either as the sponsor of any parade, march or procession, or as a participant in same, or directing, countenancing or assisting therein, to conduct or carry out any parade, march or procession within the City of Lawrenceburg as the same are herein described, without first having obtained therefor a permit as hereinafter provided, or for any such person to conduct or carry out such parade, march or procession in violation or contrary to the terms of such permit; provided, that the provisions of this section shall not apply to any funeral procession, any employees of any industry going to or returning from employment at such industry, any persons in a congregation going to or leaving any place of worship, any parade advertising an athletic contest, or any procession going to or returning from any athletic contest or the public fair held at Rotary Park.

(3) Application. Any sponsor or director of any proposed parade, march or procession regulated by this section, shall in advance thereof make written application to the Police Chief of the City of Lawrenceburg, in writing in duplicate, giving the purpose of such parade, march or procession, with its beginning and ending points, the route to be traveled, and the time same shall begin and shall end, and the approximate number of persons and of vehicles to participate therein and if granted, the police chief shall endorse on the duplicate of such application the approval thereof and return same to the applicant, which shall constitute the permit for such parade, march or procession. If not granted, the applicant may appeal to the City Administrator of the City of Lawrenceburg, who may either approve or disapprove such application. There shall be no charge for such permit.

(4) Violation and penalty Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined no more than state authorized limits for each offense together with all costs. (1999 Code, § 16-101, modified)

**16-102. Littering streets, alleys, sidewalks prohibited.** It shall be unlawful for any one personally or collectively or at the issuance of others to throw, deposit or place the sweepings from stores, business and public buildings and dwellings any paper, scraps of paper, ashes, tin cans, boxes, straw, excelsior or any rubbish of any kind or character, material and glass upon any street, alley, boulevard, or the public square within the City of Lawrenceburg, and to do any of the above prohibited things is declared a nuisance and a violation of this section, and the person or persons, firms or corporations so violating same shall be declared guilty of a misdemeanor and upon conviction for each and

every offense shall be fined no more than state authorized limits. (1999 Code, § 16-102, modified)

**16-103. Obstruction of sidewalks, alleys, boulevards prohibited.**

(1) It is unlawful and the same is hereby declared to be a nuisance for any person or persons, firm or corporations to obstruct in any way the free passage and use necessarily and street, alley, boulevard, or the public square in the City of Lawrenceburg, and violation of this section shall be declared a misdemeanor and upon conviction shall be fined no more than state authorized limits with all costs.

(2) It is unlawful for any person or persons, firms, individuals, or through agents or representatives to place upon the public square or sidewalk, alleys or boulevards any implements, garden tools, or farming tools, or to make any obstruction by using the sidewalks, pavements, streetways or the public square to exhibit any of their wares, merchandise, hardware, chinaware, groceries, fruits, poultry, bread boxes, fish, feed stuff, baled or otherwise upon any street, sidewalks, alley, boulevard, or the public square within the City of Lawrenceburg, without first getting a written permit from the Police Chief of the City of Lawrenceburg and said written permit to specify the use and space to be taken etc., and the length of time to be used and any person or persons, firm or corporations violating this section shall be fined no more than state authorized limits for each and every offense together with all costs. (1999 Code, § 16-103, modified)

**16-104. Burning on sidewalks prohibited.** It shall be unlawful to burn any trash, rubbish or build any fire for any purpose on the sidewalk, public square or any paved or macadamized streets or alleys in the City of Lawrenceburg and the violation of this section shall be declared a misdemeanor, and any person or persons found guilty shall be fined no more than state authorized limits together with all costs. (1999 Code, § 16-104, modified)

**16-105. Limbs, trash, debris on streets prohibited.** (1) It is hereby declared to be unlawful for any person, firm or corporation, either as owner or operator, or as an agent, representative or employee of the owner engaged in the business of landscaping, tree trimming, any construction or other related business to place limbs, trash, or other debris on the city streets or state highway or right-of-ways within the corporate limits of the City of Lawrenceburg, Tennessee.

(2) Any person, firm, or corporation violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined no more than state authorized limits and costs for each offense. (1999 Code, § 16-1005, modified)

**16-106. Removal of dirt, rubbish, trash from sidewalks, etc.**

(1) It is hereby declared to be unlawful for any person, firm or corporation, either as owner or operator, or as an agent, representative or employee of the owner or operator, of any machinery, used in moving dirt, rubbish, trash, chert, etc., such as bull-dozers, grader, loaders, lowboys, trucks and similar machinery; when removing such dirt, rubbish, trash, chert, etc., from the premises of any off-street lots or property, including governmental-owned property, by the use of any such machinery, or to any such off-street lots or property, to push or cause to be pushed or dropped any such dirt, trash, rubbish, chert, etc., to or on any public street, including sidewalks and gutters and paving thereof, or the dropping of mud, dirt, etc., in such work, on any such public street or part thereof, unless such dirt, trash, rubbish, chert, etc., so pushed or dropped on such street or part thereof shall be by any such person, firm, or corporation removed from such street or part thereof before sundown on the day same is pushed or dropped on such public street or part thereof, and/or for such person, firm or corporation in dismantling or wrecking any building or structure, or making excavations for any building or structure, to place or permit to be placed on any such public street or part thereof any timbers, dirt, or other materials from such work, if same is not immediately removed by such person, firm or corporation from such public street or part thereof; provided that the provisions of this section shall not apply to street improvements by the City of Lawrenceburg or any contractor of it for such purpose, or to the construction of such public utilities as electricity transmission lines, natural gas lines, telephone lines, water lines and sewer lines.

(2) Any person, firm, or corporation violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined no more than state authorized limits and costs for each offense. (1999 Code, § 16-106, modified)

## CHAPTER 2

### PUBLIC WORKS DEPARTMENT

#### SECTION

16-201. Public works department created.

16-202. Duties.

16-203. Effective date.

**16-201. Public works department created.** The Public Works Department of the City of Lawrenceburg, Tennessee is hereby created and made a separate unit in its operation, maintenance, extension, equipment, earning capacity and expenses and shall be operated and administered separate and apart from the other facilities and functions of the City of Lawrenceburg. Further the public works department shall replace the street department. (as added by Ord. #1082, Aug. 2011)

**16-202. Duties.** The public works department shall be assigned such duties as are determined by the Board of Mayor and Council or the City Administrator of the City of Lawrenceburg, Tennessee. It is the current intention that the functions of the street department shall now be administered by the public works department and certain areas of work currently performed by employees of the parks and recreation departments and EMA departments shall be performed by the public works department. (as added by Ord. #1082, Aug. 2011)

**16-203. Effective date.** This chapter shall take effect from and after its passage, the public welfare requiring it and the welfare of the City of Lawrenceburg requiring it. All ordinances, resolutions or parts of ordinances or resolutions in conflict herewith are hereby modified or repealed to comply with the provisions of this chapter. (as added by Ord. #1082, Aug. 2011)

## CHAPTER 3

### EXCAVATIONS AND CUTS<sup>1</sup>

#### SECTION

- 16-301. Permit required.
- 16-302. Applications.
- 16-303. Fee.
- 16-304. Deposit or bond.
- 16-305. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-306. Restoration of streets, etc.
- 16-307. Insurance.
- 16-308. Time limits.
- 16-309. Supervision.
- 16-310. Driveway curb cuts.

**16-301. Permit required.** It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, road, sidewalk, or public place, or to tunnel under any street, alley, road, 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 public works director is open for business, and said permit shall be retroactive to the date when the work was begun. (as added by Ord. #1100, July 2012)

**16-302. 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. Such application shall be rejected or approved by the public works director within twenty-four (24) hours of its filing. (as added by Ord. #1100, July 2012)

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<sup>1</sup>Ord. #1100 also contains procedures for excavations and cuts by the Lawrenceburg Utility Systems and is of record in the recorder's office.

**16-303. Fee.** The fee for such permits shall be five dollars (\$5.00) for driveway, curb cuts, and excavations. (as added by Ord. #1100, July 2012)

**16-304. Deposit or bond.** The public works director may require a cash deposit in the sum of one thousand dollars (\$1,000.00) for any excavation on public property including all public rights of way, to insure the property restoration of the ground, except that 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 considered by him to be adequate to cover the 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 as 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 cash deposit the applicant may deposit with the public works director a surety bond in the amount of one thousand dollars (\$1,000.00) to cover the costs to the municipality if the applicant fails to make proper restoration. (as added by Ord. #1100, July 2012)

**16-305. 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. All cuts shall be done by sawcut when feasible. (as added by Ord. #1100, July 2012)

**16-306. Restoration of streets, etc.** Any person, firm, corporation, association, utility or others making any excavation in any street, alley, road, sidewalk or public place in this municipality shall restore said street, alley, road, sidewalk, or public place to the specifications hereinafter set out, except for the surfacing, which shall be done by the municipality, but shall be paid for by such person, firm, corporation, association, utility or others promptly upon the completion of the work for which the excavation was made. The city may authorize a duly licensed contractor who is performing excavations on the streets, alleys, roads, sidewalks, or public ways to complete the surfacing to the city's specifications, provided the contractor guarantees in writing the surfacing for one year. In case of unreasonable delay in completion of work, the city shall give notice to the person, firm, corporation, association, utility or others that unless the excavation is refilled properly, within a specified period of time, the municipality will do the repair or contract said repair and charge the expense to the particular party.

Street repair specifications are as follows:

(1) From six inches (6") above tops of pipe or minimum standards up to within seven inches (7") of finished grade. Backfill with crushed stone no larger than #57. Dispose of all excavated materials.

(2) After seven (7) days settling, weather permitting and availability of asphalt, the city shall fill remaining trench or hole with hot mix. This asphalt shall be level with existing surface. The city shall be notified of all cuts at least weekly. (as added by Ord. #1100, July 2012)

**16-307. Insurance.** Each person or entity 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 public works director in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than one hundred thousand dollars (\$100,000.00) for each person and three hundred thousand dollars (\$300,000.00) for each accident, and for property damages not less than twenty-five thousand dollars (\$25,000.00) for any one (1) accident, and a seventy-five thousand dollars (\$75,000.00) aggregate. (as added by Ord. #1100, July 2012)

**16-308. 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 public works director. (as added by Ord. #1100, July 2012)

**16-309. Supervision.** The public works director or his designee shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, road, sidewalk, 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 final resurfacing any such excavation or tunnel commences. (as added by Ord. #1100, July 2012)

**16-310. Driveway curb cuts.** No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the city clerk. 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 feet (35') 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 feet (10') in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (as added by Ord. #1100, July 2012)