

## TITLE 16

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

#### CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. UNIFORM SYSTEM OF PUBLIC STREETS.
4. TRUCK ROUTES.

#### 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. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades, etc., regulated.
- 16-111. Animals and vehicles on sidewalks.
- 16-112. Fires in streets, etc.

**16-101. Obstructing streets, alleys, or sidewalks prohibited.** No person shall obstruct any street, alley or sidewalk so as to inhibit or prevent the orderly flow of vehicular or pedestrian traffic thereon or to otherwise impede the flow of vehicular or pedestrian traffic thereon, in any manner whatsoever, including, but not limited to, the use of motor vehicles parked or stopped upon said public street or by using or occupying 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. (Ord. #6-8-04-1, July 2004)

**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)

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

feet or over any sidewalk at a height of less than eight (8) feet. (1986 Code, § 12-102)

**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. (1986 Code, § 12-103)

**16-104. Projecting signs and awnings, etc., restricted.** Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.<sup>1</sup> (1986 Code, § 12-104)

**16-105. Banners and signs across streets and alleys restricted.** It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the board of mayor and aldermen after a finding that no hazard will be created by such banner or sign. (1986 Code, § 12-105)

**16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by statute. (1986 Code, § 12-106)

**16-107. Littering streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1986 Code, § 12-107)

**16-108. Obstruction of drainage ditches.** It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1986 Code, § 12-108)

**16-109. Abutting occupants to keep sidewalks clean, etc.** The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to

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

remove all accumulated snow and ice from the abutting sidewalk. (1986 Code, § 12-109)

**16-110. Parades, etc., regulated.** It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder. No permit shall be issued by the recorder unless the activity will not unreasonably interfere with traffic and unless the representative agrees to see to the immediate cleaning up of all litter which is 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. (1986 Code, § 12-110)

**16-111. 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 inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1986 Code, § 12-112)

**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. (1986 Code, § 12-113)

## CHAPTER 2

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

#### 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; 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. (1986 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

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<sup>1</sup>State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 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. (1986 Code, § 12-202)

**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 (\$.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. (1986 Code, § 12-203)

**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 twenty-five dollars (\$25.00) if no pavement is involved or seventy-five dollars (\$75.00) 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 recorder 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 town of relaying the surface of the ground or pavement, and of making the refill if this is done by the town 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 deems adequate to cover the costs to the town if the applicant fails to make proper restoration. (1986 Code, § 12-204)

**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. (1986 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 town shall restore the street, alley, or public place to its original condition except for the surfacing, which shall be done by the town, but shall be paid for promptly upon completion by the 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 town will do the work and charge the expense of doing it to the 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 town, 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. (1986 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. The 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; 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. (1986 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 town if the town restores the 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. (1986 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 town 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. (1986 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. Driveway aprons shall not extend into the street. (1986 Code, § 12-210)

**CHAPTER 3****UNIFORM SYSTEM OF PUBLIC STREETS****SECTION**

16-301. Adoption of uniform street system map.

16-302. Streets acceptable for improvement.

16-303. Installation of street signs.

**16-301. Adoption of uniform street system map.** A simplified uniform system of street names as shown on the map identified by the title, Rogersville, Tennessee, Street Names, dated June, 1946, which is filed in the office of the recorder, is hereby adopted for use in the Town of Rogersville. This map and all explanatory matter thereon is hereby adopted and made a part of this section. (1986 Code, § 12-301)

**16-302. Streets acceptable for improvement.** No street within the corporation limits of Rogersville shall be considered acceptable for improvement by the Town of Rogersville unless it now appears or is caused to appear upon the street map of Rogersville. (1986 Code, § 12-302)

**16-303. Installation of street signs.** It shall be the duty of the superintendent of streets to install street signs to design and specifications approved by the board of mayor and aldermen and with such money as is appropriated for this purpose. (1986 Code, § 12-303)

## CHAPTER 4

### TRUCK ROUTES

#### SECTION

- 16-401. Definitions.
- 16-402. Application of regulation.
- 16-403. Truck routes established.
- 16-404. Designated streets for truck use.
- 16-405. Truck traffic in the town.
- 16-406. Central business district.
- 16-407. Enforcement.
- 16-408. Penalties.

**16-401. Definitions.** For the purposes of this chapter the following terms, phrases, words, and their derivation shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (1) "City" is the City of Rogersville.
- (2) "Deviating truck" is a truck which leaves and departs from a truck route while traveling inside the city.
- (3) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
- (4) "Truck" is any vehicle designed or operated for the transportation of property, and whose body weight or whose combined body or load weight exceeds 15,000 pounds or has two (2) axles.
- (5) "Truck route" is a way over certain streets, as designated herein, over and along which trucks coming into and going out of the town must operate. (Ord. #12-11-01-2, March 2002)

**16-402. Application of regulation.** All trucks within the town shall be operated only over and along the truck routes herein established and on the other designated street over which truck travel is permitted.

- (1) Exceptions. This chapter shall not prohibit:
  - (a) Operation on street of destination. The operation of trucks upon any street where necessary to the conduct of business at a destination point, provided street upon which such traffic is permitted are used until reaching the intersection nearest the destination point.
  - (b) Emergency vehicles. The operation of emergency vehicles upon any street in the town.
  - (c) Public utilities. The operation of trucks owned or operated by the town, public utilities, any contractor or material man, while

engaged in the repair, maintenance or construction of streets, street improvements, or street utilities within the town.

(d) Detoured trucks. The operation of trucks upon any officially established detour upon the street for which such detour is established. (Ord. #12-11-01-2, March 2002)

**16-403. Truck routes established**. There is hereby established within the town the following "truck routes":

(1) Outside origin; outside destination. All trucks entering the town for destination points outside the town shall operate only over the following designated routes: Highway 11W, Highway 66 and Highway 70. (Ord. #12-11-01-2, March 2002)

**16-404. Designated streets for the truck use**. In addition to those streets in the town constituting a part of a truck route as established herein, the following streets, and no others, shall be used for truck traffic: Main Street, Broadway and Depot Street. (Ord. #12-11-01-2, March 2002)

**16-405. Truck traffic in the town**. (1) Outside origin. (a) One inside destination point. All trucks entering the town for a destination point in the town shall proceed only over an established truck route and shall deviate only at the intersection with the street, upon which such traffic is permitted, nearest to the destination point. Upon leaving the destination point, a deviating truck shall return to the truck route by the shortest permissible route.

(b) Multiple inside destination points. All trucks entering the town for multiple destination points shall proceed only over established truck routes and shall deviate only at the intersection with the street, upon which such traffic is permitted, nearest to the first destination point. Upon leaving the first destination point a deviating truck shall proceed to other destination points by the shortest direction and only over streets upon which traffic is permitted. Upon leaving the last destination point, a deviating truck shall return to the truck route by the shortest permissible route.

(2) Inside origin. (a) Outside destination point. All trucks, on a trip originating in the town, and traveling in the town for a destination point outside the town shall proceed by the shortest direction over streets on which such traffic is permitted to a truck route as herein established.

(b) Outside destination points. All trucks, on a trip originating in the town, and traveling in the town for destination points in the town shall proceed only over streets upon which such traffic is permitted. (Ord. #12-11-01-2, March 2002)

**16-406. Central business district.** Trucks shall not be operated upon any of the following streets in the central business district between the hours of 9:00 A.M. and 6:00 A.M: Main Street, Depot Street and Broadway. (Ord. #12-11-01-2, March 2002)

**16-407. Enforcement.** (1) Clerk maintains maps. The city recorder shall keep and maintain accurate maps setting out truck routes and streets upon which traffic is permitted; and maps shall be kept on file in the office of the city recorder and shall be available to the public.

(2) Chief of police maintains signs. The chief of police of the town shall cause all truck routes and those streets upon which traffic is prohibited to be clearly sign-posted to give notice that this chapter is in effect.

(a) Failure to post. No person shall be charged with violating the provisions of this chapter by reason of operating a truck upon a street wherein truck travel is prohibited unless appropriate signs are posted on such street.

(3) Weigh-in. The chief of police shall have the authority to require any person driving or in control of any commercial vehicle not proceeding over a truck route or street over which truck traffic is permitted to proceed to any public or private scale available for the purpose of weighing and determining whether this chapter has been complied with. (Ord. #12-11-01-2, March 2002)

**16-408. Penalties.** Each violation of the provisions herein shall result in a fine not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). (Ord. #12-11-01-2, March 2002)