

TITLE 16

STREETS AND SIDEWALKS, ETC.¹

CHAPTER

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2. BUILDING NUMBERING.
3. EXCAVATIONS AND CUTS.
4. CURB AND SIDEWALK CONSTRUCTION AND MAINTENANCE.

CHAPTER 1

GENERAL

SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Removal of weeds and trees overhanging sidewalks.
- 16-104. Trees, shrubs, signs, or other obstructions to traffic view at intersections prohibited.
- 16-105. Littering streets, alleys, or sidewalks prohibited.
- 16-106. Obstruction of drainage ditches.
- 16-107. Abutting owners, occupants to keep sidewalks clean, and unobstructed.
- 16-108. Parades, etc.
- 16-109. Animals and vehicles on sidewalks.
- 16-110. Joggers and pedestrians during certain hours.
- 16-111. Opening streets, alleys, and sidewalks without permission is prohibited.
- 16-112. Pedestrian crossings.

16-101. Obstructing streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge or public ground in such a manner as to prevent, obstruct or interfere with the free passage of pedestrian or vehicular traffic thereon.

Furthermore, 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. (1985 Code, § 12-101)

¹Selected charter reference: authority to open and administer public ways - sec. 15.

See title 15 in this code for related motor vehicle and traffic regulations.

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. (1985 Code, § 12-102)

16-103. Removal of weeds and trees overhanging sidewalks. It shall be the duty of each and every owner and occupant of property within the town, in front of or along which is a sidewalk, to remove all weeds, shrubbery or branches of trees that may be over the sidewalks that obstruct the free use and passage of the sidewalks or any portion thereof, within five (5) days after receiving written notice therefor from the town. (1985 Code, § 12-103)

16-104. Trees, shrubs, signs, or other obstructions to traffic view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on any property within the town 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. It shall be further unlawful for the owner or occupant of any lot at any street intersection in the town to maintain any hedge, fence, shrubbery, trees, or other obstruction which is more than three (3) feet in height for a distance of twenty-five (25) feet back from the lot line at such street intersection. Any owner or occupant of a lot at such an intersection having a fence, hedge, shrubbery, trees, or other obstruction which is more than three (3) feet in height shall remove the same or reduce the height thereof to not more than three (3) feet for a distance of twenty-five (25) feet back from the lot line, or remove any tree limb which is less than ten (10) feet in height and which is within twenty-five (25) feet of the lot line intersection upon written request from the town manager if it is determined that such obstruction prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching the intersection. (1985 Code, § 12-104, as replaced by Ord. #2006-5, May 2006)

16-105. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, trash, 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. (Ord. # 86-1, March 1986)

16-106. 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.

For the construction, reconstruction, modification, or repair of all driveways which cross a drainage ditch in the town right-of-way, the public

works department shall inspect and approve the driveway culvert for size, location and material. (1985 Code, § 12-106, as replaced by Ord. #96-4, § 1, May 1996)

16-107. Abutting owners, occupants to keep sidewalks clean and unobstructed. Each owner or occupant in the town, in front of or along which there is a sidewalk, shall keep such sidewalk clean and unobstructed, except for such obstructions as are permitted by this code or other ordinance. Each such owner or occupant shall cause the removal at once of all accumulations of mud, filth, snow and ice and every other substance or thing which may constitute an obstruction or impediment to pedestrians, and every thing in the nature of a nuisance. (1985 Code, § 12-107)

16-108. Parades, etc. 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 town. No permit shall be issued by the town 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. (1985 Code, § 12-108)

16-109. 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. (1985 Code, § 12-109)

16-110. Joggers and pedestrians during certain hours. It shall be unlawful for any jogger or other pedestrian within the town limits of the Town of Signal Mountain, Tennessee, to walk, jog or run upon public streets during the period beginning one hour before sunset until sunrise, or during daylight hours when visibility is restricted to less than three hundred (300) feet by fog or inclement weather, unless such person's clothing shall include reflectorized areas not less than one square foot each in area on the chest and on the back of such person which shall be visible from all distances from fifty (50) feet to three hundred (300) feet from the front and to the rear when directly in front of lawful upper beams of headlamps on motor vehicles; provided, however, that this section shall not be construed so as to prohibit any person from walking, jogging or running upon the public streets without reflectorized clothing during the hours specified above when such person is traversing a distance of three hundred (300) feet or less upon the public streets; provided that this section

shall not be interpreted to require reflectorized clothing on pedestrians on public sidewalks during the hours specified. (1985 Code, § 12-110)

16-111. Opening streets, alleys, and sidewalks without permission is prohibited. It shall be unlawful for any person, corporation, or legal entity to open any road, street, alley, sidewalk, trail or other right-of-way in the limits of the Town of Signal Mountain, without first submitting a plan of same to the Signal Mountain Planning Commission for recommendation to the town council and receiving approval of the town council. (Ord. # 87-2, March 1987)

16-112. Pedestrian crossings. Pedestrians have the right-of-way at marked crossings. It shall be unlawful for any driver to fail to bring their vehicle to a complete stop at marked pedestrian street crossings when pedestrians are in the marked crossing areas or are waiting to use the marked crossing areas. (as added by Ord. #2013-01, Jan. 2013)

CHAPTER 2

BUILDING NUMBERING

SECTION

16-201. Buildings required to be numbered.

16-202. Number visibility required.

16-203. Unnumbered buildings to be numbered by town at owner's expense.

16-201. Buildings required to be numbered. All buildings in the town shall display the proper building numbers thereof, which numbers shall be designated by the town. (1985 Code, § 12-201)

16-202. Number visibility required. All numerals used to number buildings as required by section 16-201 above shall be so placed as to be clearly visible from the street. (1985 Code, § 12-202)

16-203. Unnumbered buildings to be numbered by town at owner's expense. Any building not numbered in accordance with the provisions of this chapter upon notice from the town therefor, shall be numbered by the town at the owner's expense. (1985 Code, § 12-203)

CHAPTER 3¹EXCAVATIONS AND CUTS²

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.

16-301. 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. (1985 Code, § 12-301)

16-302. Applications. Applications for such permits shall be made to the commissioner of streets, 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, 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

¹See also title 12, chapter 7 for Site Preparation, Excavation, and Grading Code.

²Sections 16-301 through 16-309 in this chapter were 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 commissioner/superintendent of streets within twenty-four (24) hours of its filing. (1985 Code, § 12-302)

16-303. 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. (1985 Code, § 12-303)

16-304. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the comptroller 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 superintendent of streets/commissioner of streets may increase the amount of the deposit to an amount considered by him to be adequate to cover the said 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 town comptroller a surety bond in such form and amount as the superintendent of streets/commissioner of streets shall deem adequate to cover the costs to the town if the applicant fails to make proper restoration. (1985 Code, § 12-304)

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. (1985 Code, § 12-305)

16-306. 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 town 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 commissioner of streets/superintendent of streets 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 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 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. (1985 Code, § 12-306)

16-307. 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 superintendent of streets 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. (1985 Code, § 12-307)

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 town if the town 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 superintendent of streets. (1985 Code, § 12-308)

16-309. Supervision. The superintendent of streets 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. (1985 Code, § 12-309)

CHAPTER 4

CURB AND SIDEWALK CONSTRUCTION AND MAINTENANCE

SECTION

- 16-401. When owner/occupant to repair sidewalk.
- 16-402. Specifications for construction and repair; permit required.
- 16-403. Failure to repair; notice authorized.
- 16-404. Notice where owner unavailable; no agent and property deserted.
- 16-405. Failure to comply with notice.
- 16-406. Failure to comply with work.
- 16-407. Liability of the abutting owner for injuries to persons.
- 16-408. Action by Town of Signal Mountain for judgments against it.

16-401. When owner/occupant to repair sidewalk. When any sidewalk becomes out of repair or in any manner defective, whether in the bed, pavement, or curbing thereof, the owner/occupant or agent shall cause such sidewalk to be reconstructed or put in good repair according to specifications required by the Town of Signal Mountain as to grade, dimensions, and character of said sidewalks or curbing or gutter and pavements, the material of which they shall be constructed and the manner in which they shall be laid. (as added by ord. No. 91-5)

16-402. Specifications for construction and repair; permit required. The type of repairs to existing sidewalks shall be such as may be prescribed and approved by the town council. The owner/occupant or agent in charge of the property where such work is to be done shall apply to the town manager for specifications and instructions setting forth the manner in which the work shall be performed and for a permit authorizing such work and in doing such work shall conform to the specifications and instructions required by the Town of Signal Mountain. (as added by ord. No. 91-5)

16-403. Failure to repair; notice authorized. If the owner/occupant or agent fails or refuses to reconstruct or repair any required sidewalk or curbing, the town manager may direct the issuance of a written notice by registered mail with return receipt requested or personal delivery to the owner/occupant or agent if the owner is a non-resident, unknown, or cannot be located, requiring that the necessary work be done. (as added by ord. No. 91-5)

16-404. Notice where owner unavailable; no agent and property deserted. If the owner is a non-resident, unknown, or cannot be located and there is no known agent therefore and the property is not occupied, the notice shall be posted for at least five (5) days on such lot or property. (as added by ord. No. 91-5)

16-405. Failure to comply with notice. Failure or refusal by the owner, occupant, or agent, if the owner cannot be notified, to commence such necessary work within ten (10) days of the receipt or posting of such notice shall be unlawful and each day thereafter shall constitute a separate violation. (as added by ord. No. 91-5)

16-406. Failure to complete work. Failure or refusal to complete such necessary work according to specifications and instructions after it has once been commenced shall be unlawful.

If after proper written notice the owner/occupant, or agent fails or refuses to reconstruct or repair any sidewalk or curbing, then the town manager may contract for such construction or repair and pay for the same. The amount so paid shall constitute a lien on the lots or property belonging to such owners upon or along which said sidewalk or curbing or gutter or pavement may be constructed, which liens may be enforced by attachment, in law or in equity, prosecuted in the name of the Town of Signal Mountain; or the Town of Signal Mountain may sue for and recover the amount so paid from said property owners in any court having jurisdiction of such causes of action; provided, however, that the said Town of Signal Mountain by and with the consent of the property owners affected, instead of proceeding as herein before prescribed for the recovery of the amounts expended in the construction or repair of sidewalks or gutters or curbing as aforesaid, may divide the amount so expended on each lot or piece of property into equal installments not less than two (2) nor more than five (5) in number and required that one (1) installment shall be paid each year along with and as part of the taxes on said property until all said installments are paid; and in that event, each of said installments shall draw interest at the rate of ten (10%) percent per annum from the date of the payment by the Town of Signal Mountain of the expense of such construction or repair. (as added by ord. No. 91-5)

16-407. Liability of the abutting owner for injuries to persons. In all instances of injury to persons resulting from negligently unsafe and defective conditions in the sidewalk, the construction of which or the repair of which the abutting property owner or his agent has been notified to effectuate in the manner heretofore provided more than five (5) days before the happening of such injury, the abutting property owner shall be liable in damages. (as added by ord. No. 91-5)

16-408. Action by Town of Signal Mountain for judgments against it. If any judgment is obtained against the Town of Signal Mountain as a result of negligently defective conditions of the sidewalk, guttering, or curbing owing to personal injuries received by any person more than five (5) days after the service of the notice, the town attorney shall institute proper legal proceeding against

such property owner for the recovery over the amount of any such judgment. (as added by ord. No. 91-5)