

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. STREET NAMES AND PROPERTY NUMBERS.

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. Operation of trains at crossings regulated.
- 16-112. Animals and vehicles on sidewalks.
- 16-113. Fires in streets, etc.
- 16-114. Use, possession, and sale of certain chemical/products restricted during the annual Smithville Fiddler's Jamboree.
- 16-115. Play vehicles regulated.
- 16-116. Obstruction of highways and other passageways.

16-101. Obstructing streets, alleys, or sidewalks prohibited. No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1976 Code, § 12-101)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street or alley at a height of less than fourteen

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

(14) feet or over any sidewalk at a height of less than eight (8) feet. (1976 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. (1976 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.¹ (1976 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 or above any public street or alley except when expressly authorized by the governing body after a finding that no hazard will be created by such banner or sign. (1976 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. (1976 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. (1976 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. (1976 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

¹Municipal code reference
Building code: title 12, chapter 1.

remove all accumulated snow and ice from the abutting sidewalk. (1976 Code, § 12-109)

16-110. Parades, etc., regulated. It shall be unlawful for any person, 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's secretary and treasurer. No permit shall be issued by the secretary and treasurer 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. (1976 Code, § 12-110)

16-111. Operation of trains at crossings regulated. No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law. It shall be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (1976 Code, § 12-111, modified)

16-112. 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. (1976 Code, § 12-112)

16-113. 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. (1976 Code, § 12-113)

16-114. Use, possession, and sale of certain chemical/products restricted during the annual Smithville Fiddler's Jamboree. All use, possession and sale of "string-confetti," invisible ink, "snap-poppers," stink bombs, cherry bombs, "lite rope" and any such related chemicals/products shall be strictly and expressly prohibited within the city limits of Smithville seven (7) consecutive days prior to the commencement of the annual Smithville Fiddler's Jamboree and seven consecutive (7) days following the conclusion of the annual Smithville Fiddler's Jamboree. Each violation of this section shall be punishable by a fifty dollar (\$50.00) fine. (as added by Ord. #302, June 2000, and replaced by Ord. #315, May 2001)

16-115. Play vehicles regulated. It shall be unlawful for any person to use in-line skates, roller skates, skateboards, or any similar vehicle or toy or

article on wheels on any public street, roadway, alley, sidewalk, or other public building or public place within the central business district of the City of Smithville, except in such areas as may be specifically designated for such purpose by the city board. (as added by Ord. #321, April 2002)

16-116. Obstruction of highways and other passageways. (1) No organization shall be eligible to obstruct any highway or other passageway for the purpose of soliciting or collecting funds at a highway or street intersection unless said organization has received a determination of exemption from the Internal Revenue Service under 26 U.S.C. § 501 (c) (3) or (4) as a charitable, eleemosynary, or non-profit organization.

(2) Any organization seeking to obstruct a highway or other passageway for the purpose of soliciting or collecting funds at a highway or street intersection must present written proof of its exemption from the Internal Revenue Service under 26 U.S.C. § 501 (c) (3) or (4).

(3) The members of any charitable, eleemosynary, or non-profit organization seeking to obstruct a highway or other passageway for the purpose of soliciting or collecting funds at a highway or street intersection shall undertake reasonable and prudent precautions to prevent both disruption of traffic flow and injury to persons or property.

(4) The charitable, eleemosynary, or non-profit organization seeking to obstruct a highway or other passageway for the purpose of soliciting or collecting funds at a highway or street intersection shall submit, in writing, to the chief of police its proposal for the specific time and place of the obstruction and the precautions to be implemented by the organization.

(5) Before undertaking to obstruct any highway or other passageway for the purpose of soliciting or collecting funds at a highway or street intersection, the charitable, eleemosynary, or non-profit organization must receive prior written approval by the chief of police. Said written approval must set forth with specificity the specific time and place of the obstruction, the highway or other passageway to be obstructed, and the intersection at which the obstruction is to occur. Additionally, the prior written approval must contain a finding by the chief of police that the precautions to be implemented by the charitable, eleemosynary, or non-profit organization for the purpose of preventing both disruption of traffic flow and injury to persons or property are reasonable and prudent. (as added by Ord. #329, Nov. 2002)

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the city's secretary and treasurer is open for business, and said permit shall be retroactive to the date when the work was begun. (1976 Code, § 12-201)

16-202. Applications. Applications for such permits shall be made to the secretary and treasurer, 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

¹State 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).

laws relating to the work to be done. Such application shall be rejected or approved by the secretary and treasurer within twenty-four (24) hours of its filing. (1976 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. (1976 Code, § 12-203)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the secretary and treasurer 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 secretary and treasurer 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 city of relaying the surface of the ground or pavement, and of making the refill if this is done by the city 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 secretary and treasurer a surety bond in such form and amount as the latter shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1976 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. (1976 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 city shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the city, but shall be paid for by such person, firm, corporation, association, or others promptly upon the completion of the work for which the excavation or tunnel

was made. In case of unreasonable delay in restoring the street, alley, or public place, the secretary and treasurer 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 within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city, 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. (1976 Code, § 12-206)

16-207. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the secretary and treasurer 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. (1976 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 city if the city 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 secretary and treasurer. (1976 Code, § 12-208)

16-209. Supervision. The secretary and treasurer 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 city 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. (1976 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 secretary and treasurer. (1976 Code, § 12-210)

CHAPTER 3

STREET NAMES AND PROPERTY NUMBERS

SECTION

16-301. Street map adopted.

16-302. Street names.

16-303. Property numbering system adopted.

16-304. Assignment of numbers.

16-305. Administration of numbering system.

16-301. Street map adopted. There is hereby established an official system of street names in the City of Smithville as shown on the map entitled Smithville Official Street Name and Property Numbering System, dated February, 1983, as produced by the municipal planning commission, a copy of which is on file in the office of the secretary and treasurer. (1976 Code, § 12-301, as amended by Ord. #168, March 1983)

16-302. Street names. Naming of streets or changes in street names in the City of Smithville will first be reviewed by the Smithville Planning Commission to eliminate similarities or duplications. Their recommendation will be forwarded to the board of aldermen. Approval of new street names or changes in street names will be by ordinance. Extensions of existing streets will use the name of the existing street. A majority of the persons living or owning property on a street may propose name change(s) in writing to the planning commission. (Ord. #168, March 1983)

16-303. Property numbering system adopted. A uniform system of numbering properties and principal buildings, as shown on the map identified by the title Smithville Official Street Name and Property Numbering System which is filed in the office of the secretary and treasurer, is hereby adopted for use in the City of Smithville. This map and all explanatory matter thereon, is here by adopted and made a part of this section. (1976 Code, § 12-304)

16-304. Assignment of numbers. All properties or parcels of land within the corporate limits of Smithville shall hereafter be identified by reference to the uniform numbering system adopted herein. All existing numbers not now in conformity with the provisions of this chapter shall be changed to conform within two (2) months from the date of adoption of the revised map (March 7, 1983).

Each principal building shall bear the number assigned to the frontage of 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 or be identified with a number or letter, with the structure having its address also displayed.

Numerals indicating the official numbers for each principal building or each front entrance to such building shall be posted so as to be visible from the street on which the property is located.

Numerals posted shall be no less than three (3) inches in height. (1976 Code, § 12-305, as amended by Ord. #168, March 1983)

16-305. Administration of numbering system. The Secretary-Treasurer of the City of Smithville, or his designated representative, shall be responsible for maintaining the numbering system and keeping a record of all numbers assigned:

(1) He/she shall be guided by the provisions of this chapter.

(2) When necessary, new addresses will be assigned by the secretary-treasurer or his designated representative upon issuance of a building permit, or upon approval of a subdivision plat. In addition, a number may be assigned or adjusted when a new front entrance is opened or if a property owner experiences an undue hardship with his assigned number.

(3) The secretary-treasurer may request that the Smithville Municipal Planning Commission resolve problems or conflicts with the property numbering and street naming system and map(s).

(4) The Secretary-Treasurer of Smithville, or his designated representative will make the additions and changes in the numbering system available to utility companies, emergency agencies, and the post office.

(5) The official map will be amended at least yearly to include all changes in numbers and street names. (Ord. #168, March 1983)