TITLE 16

STREETS AND SIDEWALKS, ETC

CHAPTER
1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. SIDEWALK IMPROVEMENT AND MAINTENANCE.
4. PROPERTY NUMBERING.

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, processions, mass gatherings, etc.
16-111. Animals and vehicles on sidewalks.
16-112. Fires in streets, etc.
16-113. Installation of mailboxes.
16-114. Trees and shrubs near streets or sidewalks.

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. (1984 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 (14) feet or over any sidewalk at a height of less than eight (8) feet. (1984 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. (1984 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 (1984 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 board of commissioners after a finding that no hazard will be created by such banner or sign. (1984 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. (1984 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. (1984 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. (1984 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 remove all accumulated snow and ice from the abutting sidewalk. (1984 Code, § 12-109)

¹Municipal code reference

Building code: title 12, chapter 1.
16-110. **Parades, processions, mass gatherings, etc.** It shall be unlawful for any person or persons to walk on, over, across, or up and down any public way used by and dedicated for vehicular traffic excepting at a marked cross walk, or at those places where the sidewalk, path or walkway is intersected by cross streets or intersecting streets used by vehicular traffic.

It shall be unlawful for any person, or persons to impede or interrupt the normal usage of any public way, whether used by vehicular or pedestrian traffic, by any means whatsoever, and it is hereby declared to be a misdemeanor for any person, or persons, firm, corporation or association to impede the free and unimpaired use of such ways by placing their person, or property upon or in such ways or by any means whatsoever halting, detaining, impeding, or impairing the movement of pedestrians or vehicles on, over, through, or across such ways.

For the purpose of assuring proper supervision, protection, and control over all public ways, both pedestrian and vehicular, it shall be unlawful for any person to promote and any persons (defined hereafter) to form a parade, procession, mass gathering, or assemblage in, on, over, across, or up and down any public way whether for pedestrian or vehicular use within the corporate limits of the city except and not until said person, firm, corporation, or association promoting same shall have procured a permit or permission for such parade, procession, mass assembly or gathering at least twenty-four (24) hours in advance of the forming or holding thereof. Persons who join in and participate in such event shall be construed to be promoters aiding and abetting in the forming of the parade, procession, mass gathering, or assembly.

The application for a permit or permission shall include, in all instances, reasonably exact information showing the number of persons or vehicles or both to participate in such parade, procession, mass gathering, or assembly, shall designate with certainty the route over which same shall travel, both to and from the point of starting; shall locate the place of the mass gathering or assembly; and shall define the purpose for which same is to be held. Any deviation from any of the foregoing shall be construed as a violation of this section and is declared to be a misdemeanor.

Without first having procured the permit or permission above specified, it shall be a misdemeanor for any person, persons, firm, corporation, or association to enter in, on, over, across or up and down any public way whether for pedestrian or vehicular use as a part of any parade, procession, mass gathering, or assembly.

The act of failure to obtain such permit shall be punishable as herein provided. Should any person or persons so engaged block, impede, or interfere in any manner, either in person or by the use of any kind of device, paraphernalia, equipment, or vehicle, with the normal ordinary usage of such way, whether for pedestrian or vehicular use, such act shall be an additional offense, and is hereby declared to be a misdemeanor.
In the enforcement of the foregoing provisions, interference with, or impeding the ordinary usage of a public way shall be defined to be any act of a person or persons which has the effect of restraining an ordinary prudent person from free use of such way. A parade or procession, mass gathering, or assembly shall be constituted by one (1) or more persons, and/or by one (1) or more vehicles, it being intended that where the public way is narrow the acts of one (1) person may be construed as blocking, impeding, or interfering with free use of such way.

This section shall not be construed to apply to the authorized passage, movement, assembling, or gathering of U.S. military forces of any branch of the service, nor shall this section be construed as applying to properly constituted and authorized Tennessee National Guards, or to the Tennessee Highway Patrol, or any other governmental agency operating and/or acting under legally issued orders.

The city manager, or in his absence the mayor, shall withhold the issuance of any permit or permission for the organizing and holding of a parade, procession, mass gathering, or assembly if in the opinion of such city official it appears that additional policing will be required to maintain the orderly movement of pedestrian and vehicular traffic because of such parade, procession, mass gathering or assembly, excepting that when such determination is made a deposit may be made in an amount sufficient to cover such additional police costs. This requirement may be waived in all cases of proposed parades, processions, mass gatherings, and assemblies by existing governmental agencies, or business, educational, or religious organizations in the community.

When in the opinion of the city manager or mayor, the holding of such parade, procession, mass gathering, or assembly may or will result in either property damage or personal injury to any person, including the public property, said municipal official shall require the posting of an indemnity bond in such amount as may in his opinion be adequate to cover such personal injury as a prerequisite to the issuance of a permit or permission.

Any violation of the provisions of the two (2) foregoing paragraphs shall constitute separate violations of this section and, where applicable, violation thereof is declared to be a misdemeanor. (1984 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 to unreasonably interfere 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. (1984 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. (1984 Code, § 12-113)

16-113. **Installation of mailboxes.** The installation or erection of mailboxes or mail receptacles on, about, or near the public streets, rights-of-way, or sidewalks of the City of Mount Pleasant, Tennessee, is hereby prohibited. (1984 Code, § 12-114)

16-114. **Trees and shrubs near streets or sidewalks.** It shall be unlawful to plant any tree or shrub within five (5) feet of any street or sidewalk. When any tree or shrub already planted within five (5) feet of any street or sidewalk causes such street or sidewalk to buckle or break, it shall be the responsibility of the owner of such plant to pay the city for repairing the damage. (1984 Code, § 12-115)
CHAPTER 2

EXCAVATIONS AND CUTS\textsuperscript{1}

SECTION
16-201. Permit required.
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.

16-201. 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 and said permit shall be retroactive to the date when the work was begun. (1984 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

\textsuperscript{1}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. (1984 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. (1984 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 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 recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1984 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. (1984 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 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 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 tun-
nel. (1984 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 recorder in
accordance with the nature of the risk involved; provided, however, that the
liability insurance for bodily injury shall not be less than three hundred
thousand dollars ($300,000.00) for bodily injury or death of any one (1) person
in any one (1) accident, occurrence or act, and not less than seven hundred
thousand dollars ($700,000.00) for bodily injury or death of all persons in any
one (1) accident, occurrence or act, and one hundred thousand dollars
($100,000.00) for injury or destruction of property of others in any one (1)
accident, occurrence, or act. (1984 Code, § 12-207, modified)

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 recorder.
(1984 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 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. (1984 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 out into the street. (1984 Code, § 12-210)
CHAPTER 3

SIDEWALK IMPROVEMENT AND MAINTENANCE

SECTION
16-301. Sidewalk improvement and maintenance program established.
16-302. Funding.
16-303. Customer request--plans and specifications.
16-304. [Deleted.]

16-301. Sidewalk improvement and maintenance program established. A periodic sidewalk improvement and maintenance program within the corporate limits of the City of Mount Pleasant, Tennessee is hereby established. This program incorporates existing ordinances including but not limited to §§ 16-101, 16-102, 16-103, 16-107, 16-109, 16-112, 16-114, 16-115, 16-205 and 16-210 relative to curbing, sidewalks and streets of the Mount Pleasant Municipal Code. On a periodic basis the city will designate and establish sidewalk improvement areas within budget constraints to be repairs and/or improved. (Ord. #90-718, Feb. 1990, as replaced by Ord. #2011-928, June 2011)

16-302. Funding. This program shall also allow the city's director of public works and city manager the flexibility to work with property owners on special projects which involve direct funding for sidewalk repairs and/or replacement that is done with city funding under the city capital plan and/or through grants from third parties. This section shall further allow the City of Mount Pleasant to apply for and receive state and/or federal funds to be used in reconstruction of existing sidewalks, in connection with new curbing, sidewalks and roadways or repairs thereof. In these circumstances the city would be responsible for one hundred percent (100%) of material, construction and replacement cost. (Ord. #90-718, Feb. 1990, as replaced by Ord. #2011-928, June 2011)

16-303. Customer request--plans and specifications. As an alternative process, in the event any property owner requests sidewalk improvements and/or repairs which are not otherwise associated with the sidewalk improvement and maintenance program set forth in §§ 16-301 and 16-302 hereof wherein the city identifies, on an annual basis, sidewalk improvement areas within budget constraints to be repaired and/or improved, and the city accepts the property owner's improvement and/or repair request, said property owner will be responsible for one hundred percent (100%) of the costs of materials and the city will be responsible for one hundred percent (100%) of the costs for the labor associated with said repairs and/or improvement. Material costs must be paid in full by the property owner prior to
the city commencing with any improvement and/or repair work. Moreover, the city has the right to accept and/or reject property owner's proposals, on a case by case basis, regarding requested improvements and/or repairs. In the event such request is accepted, the city will prepare appropriate plans and specifications for the proposed improvement and/or repairs and will submit same for bids. Upon receipt of bids and prior to the acceptance of the lowest qualified bid, the material cost from property owner will be due. (Ord. #90-718, Feb. 1990, as replaced by Ord. #2011-928, June 2011)

**16-304. [Deleted.]** (Ord. #90-718, Feb. 1990, as deleted by Ord. #2011-928, June 2011)
CHAPTER 4

PROPERTY NUMBERING

SECTION
16-401. Numbering required; style.
16-402. Uniform plan.
16-403. Changing existing numbers.
16-404. Rules, regulations, etc., for compliance.
16-405. Enforcement.
16-406. Noncompliance, fine.

16-401. **Numbering required; style.** All primary structures or a portion thereof within the corporate limits of the City of Mount Pleasant, Tennessee, shall be numbered in an orderly sequence, said numbers to be Arabic numerals of at least three (3) inches in height or of sufficient height so as to be visible from the public street or highway and same are to be placed upon the primary structure or a portion thereof itself when practicable. Said numbers are to be in a contrasting color with that of the structure and the responsibility for the installation of said numbers shall be upon the property owner. (Ord. #90-721, July 1990)

16-402. **Uniform plan.** The Department of Community Development and the Fire Department of the City of Mount Pleasant, Tennessee, and/or the Mount Pleasant Police Department, are hereby authorized to establish and place into force and effect a uniform plan for the numbering of all primary structures or portions thereof. (Ord. #90-721, July 1990, as amended by Ord. #2007-879, Dec. 2007)

16-403. **Changing existing numbers.** The Department of Community Development and the Fire Department of the City of Mount Pleasant, Tennessee, and/or the Mount Pleasant Police Departments, are further authorized to change existing numbers on primary structures to comply with the overall plan for numbering contemplated by the E-911 System. (Ord. #90-721, July 1990, as amended by Ord. #2007-879, Dec. 2007)

16-404. **Rules, regulations, etc., for compliance.** The Department of Community Development and the Fire Department of the City of Mount Pleasant, Tennessee, and/or the Mount Pleasant Police Department, are authorized to establish reasonable rules, regulations and requirements for compliance with the provisions of this chapter prior to the issuance of a certificate of occupancy. (Ord. #90-721, July 1990, as amended by Ord. #2007-879, Dec. 2007)
16-405. **Enforcement.** The Department of Community Development and the Fire Department of the City of Mount Pleasant, Tennessee, and/or the Mount Pleasant Police Department, are authorized and empowered to enforce compliance with the provisions of this chapter. (Ord. #90-721, July 1990, as amended by Ord. #2007-879, Dec. 2007)

16-406. **Noncompliance, fine.** In the event of noncompliance with the provisions of this chapter, the Department of Community Development and/or the Fire Department of the City of Mount Pleasant, Tennessee, and/or the Mount Pleasant Police Department, are authorized to notify the property owner of the subject property of noncompliance with the provisions of the chapter and of the terms and provisions of same. Said notice may be verbal but shall be confirmed in writing and shall include, but not be limited to notification to the affected property owner that a citation and judicial proceedings will ensue in the event of continuing noncompliance following thirty (30) days after such notification. In the event of continuing noncompliance, any individual convicted thereof shall be subject to a fine of twenty-five dollars ($25.00) for such violation, and each day any such violation continues shall constitute a separate offense. (Ord. #90-721, July 1990, as amended by Ord. #2007-879, Dec. 2007)