



Various Street Issues

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Reference Number: MTAS-808

Vandalism and Obstructing Roadways

The state's criminal code defines vandalism as "knowingly caus(ing) damage to or the destruction of any real or personal property of ... any ... city or town." Whether the offense is a misdemeanor or a felony depends on the value of the damage. T.C.A. § 39-14-408.

Unlawful possession of a traffic-control sign acquired or erected after July 1, 1998, is a Class B misdemeanor punishable by a fine up to \$500. The sign must indicate the municipality that erected the sign and the date it was erected. T.C.A. §§ 54-10-112–113.

It is a Class A misdemeanor for an unauthorized person to carve upon, mark upon, or destroy, deface, steal, or remove any bridge, overpass, tunnel, fence, wall, traffic control device, sign, or other highway structure or building. T.C.A. § 54-1-134.

Obstructing a highway, street, or sidewalk is a Class C misdemeanor. It is a defense to prosecution if the obstruction is a charitable solicitation roadblock done by a 501(c)(3) or (4) charitable organization if:

- reasonable precautions are taken; and
- the organization has the local police department's written approval.

The municipality granting the roadblock permit is given immunity for accidents resulting from the roadblock. A municipality may, by ordinance, prohibit charitable roadblocks and otherwise regulate collecting donations on municipal streets. T.C.A. § 39-17-307.

Criminal Littering

Mitigated criminal littering (littering in an amount less than or equal to five pounds or 7.5 cubic feet) is a Class C misdemeanor. Littering in greater amounts is greater than a Class C misdemeanor, depending on amounts, purpose, and number of convictions.

Law enforcement officers must enforce littering laws, but all revenues derived from littering fines must accrue to the general fund of the county where the offense occurred to be used for litter prevention. T.C.A. §§ 39-14-501, *et seq.*

Controlled-access Streets

Cities have the authority to designate controlled-access streets and regulate entering and exiting such streets by constructing raised curbs, markers, etc. Constructing any commercial enterprise is prohibited on such streets. The same authority to designate and regulate extends to local service roads adjacent to controlled-access streets. T.C.A. §§ 54-16-102–109.

Height Limits on Buildings along Scenic Routes

The exposed portion of buildings constructed or erected on property located within one thousand feet (1,000') of a scenic highway shall not exceed a height of thirty-five feet (35') above the level of the highway on property located below the level of the highway, or a height of thirty-five feet (35') above the ground line on property located above the level of the highway. T.C.A. § 54-17-115

Hot Mix Asphalt and Aggregate Production Facilities

Municipalities and counties may, alone or cooperatively, own and operate a hot mix asphalt and aggregate production facility. T.C.A. § 12-8-101. This law requires municipalities and other local governments that want to own and operate an asphalt or aggregate production facility to prepare a financial feasibility study that must be submitted to the comptroller and a financial feasibility oversight committee created in the statute. The committee must hold a hearing for which the mayor of the municipality sets a date and the municipality gives notice. The committee must report on its opinion(s) of the feasibility of the project. The governing body may then determine by a two-thirds vote to approve or deny the acquisition of the plant or facility.

Contracts with the County

A municipality may contract with a county road department to perform road work for cities if the county is paid all its expenses for performing such work. T.C.A. § 54-7-202(d)(2).

Railroad Crossings

T.C.A. § 65-11-101 requires plans for proposed public railroad crossings and conversions of private to public crossings on streets and highways to be submitted to the Department of Transportation. The department must submit the plans to the affected local government for review and comment before it approves or disapproves the plans. This section also requires any entity that wants a railroad crossing constructed or converted to a public crossing to pay all costs of the construction or conversion.

Street Sweepers

T.C.A. § 55-8-190 provides that street sweepers may travel below the lawful minimum speed and stop to collect debris at any time in residential areas and in all non-residential areas except between 6:30 a.m. and 8:30 a.m. and between 3:30 p.m. and 6:00 p.m. on any weekday. These limitations do not apply if there has been an emergency or event that would make street sweeping necessary.

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

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