

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. REQUIREMENTS FOR NEW ROAD AND STREET CONSTRUCTION.

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. Trees and shrubs.
- 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 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. (1987 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. (1987 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

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

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. (1987 Code, § 12-103)

16-104. Trees and shrubs. (1) Prohibited plantings. It shall be unlawful for any person to plant trees or shrubs as follows, without approval of the board of commissioners or its designee:

- (a) Within a recorded sewer or water easement.
- (b) Within any recorded easement for overhead electric or telephone lines.
- (c) On any public lands or right-of-way.

(2) Tree or shrub protection. It shall be unlawful for any person to remove or cause to be removed any tree or shrub from public lands or rights-of-way, without first obtaining the permission of the board of commissioners or its designee.

Notwithstanding the foregoing, trees and/or shrubs may be removed from the public lands or rights-of-way by the City of Belle Meade provided it is first determined by the commissioners of the city, or their duly designated representatives, that

- (a) the removal of such trees or shrubs is required to promote the public safety of the city,
- (b) the failure to remove the same may be hazardous to, or cause damage to, the city's infrastructure, or
- (c) the tree or shrub is diseased requiring its removal and this fact is duly certified by an arborist to be selected by the commissioners.

(3) Maintenance. Care and maintenance of trees and shrubs on public lands or rights-of-way that have been planted by the city shall be its responsibility. Care and maintenance of all other such trees and shrubs shall be the responsibility of the abutting property owner. (1987 Code, § 12-104, as added by ord. 90-2, § 1, and amended by Ord. #2001-8, Oct. 2001)

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 commissioners after a finding that no hazard will be created by such banner or sign. (1987 Code, § 12-105, as renumbered by ord. 90-2, § 1)

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. (1987 Code, § 12-106, as renumbered by ord. 90-2, § 1)

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. (1987 Code, § 12-107, as renumbered by ord. 90-2, § 1)

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. (1987 Code, § 12-108, as renumbered by ord. 90-2, § 1)

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. (1987 Code, § 12-109, as renumbered by ord. 90-2, § 1)

16-110. Parades, etc., regulated. It shall be unlawful for any person, club, organization, or other group, to hold a parade in or upon any street, park, or public place of the City of Belle Meade, without first receiving a permit therefor from the board of commissioners under the terms and provisions of this section. The term "parade" shall include meeting, demonstration, exhibition, march, walk-a-thon, foot race, or procession.

(1) Purpose. (a) The City of Belle Meade recognizes the constitutional right of every citizen to harbor and express beliefs on any subject whatsoever and to associate with others who share similar beliefs.

(b) The city passes this section to regulate the time, place, and manner of parades.

(c) The city passes this section in the interest of all its citizens' public safety, health, welfare, comfort, and convenience.

(d) The City of Belle Meade has limited resources and passes this section so that it may properly allocate these resources among its citizens.

(e) The purpose of this section is to promote order, safety, and tranquility in the streets of the city.

(f) This section is passed to help minimize traffic interruptions, and disruptions of the peace and tranquility of residential neighborhoods, during parades.

(2) Permit. (a) No person shall parade unless a parade permit has been obtained from the board of commissioners. Any parade held without the proper permit shall be unlawful.

(b) This section shall not apply to funeral processions.

(3) Application. (a) Any person seeking issuance of a parade permit shall file an application with the city manager on forms provided by the

city manager. The city manager shall place the request for a parade permit on the agenda of the next meeting of the board of commissioners for action by it in the normal course of business.

(b) The application for a parade permit shall be filed in writing with the city manager not less than thirty (30) days prior to the contemplated parade or less than five (5) days prior to any regularly scheduled meeting of the board of commissioners. No permit shall be granted earlier than one hundred eighty (180) days prior to the contemplated parade. A copy of the application shall be given to the chief of police who shall investigate and make a report to the board of commissioners.

(c) The application for a parade permit shall set forth the following information:

(i) The name, address, and telephone number of the persons seeking to conduct a parade or of the organization and its responsible heads;

(ii) The name, address, and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;

(iii) The date when the parade is to be conducted;

(iv) The route to be traveled, the starting point, and the termination point;

(v) A description of any temporary signs, including any banner, to be used on the day of the parade, including the location of any such signage.

(vi) The approximate number of persons who, and animals which, will constitute such parade; the type of animals and description of the vehicles;

(vii) The hours when the parade will begin and end;

(viii) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;

(ix) The location by streets of any assembly area(s);

(x) The time at which units of the parade will begin to assemble at any assembly area(s);

(xi) The interval of space to be maintained between units of the parade; and

(xii) If the parade is to be held on behalf of any person other than the applicant, the authorization of that person.

(xiii) Whether the applicant has been convicted for the violation of the city parade ordinance of the City of Belle Meade.

(d) The board of commissioners shall decide whether to grant the application for a permit. The board of commissioners may consult with the chief of police in making their decision.

(e) The board of commissioners in cooperation with the chief of police shall have the authority to designate the starting point, route, terminal point, or other time, place, and manner restrictions as deemed proper in consideration of minimum traffic interruption, public safety, health, welfare, convenience, peace, or order.

(4) Standards of issuance. (a) The board of commissioners shall issue a parade permit upon consideration of the application and other information obtained when they find that:

(i) The conduct of the parade will not unduly interrupt the safe and orderly movement of other traffic contiguous to its route;

(ii) The conduct of the parade will not require the diversion or interruption of essential or emergency municipal services, including police, fire or ambulance services;

(iii) The parade is scheduled to move from its origin to its termination expeditiously and without unreasonable delay;

(iv) The applicant has satisfied the bond or evidence of financial responsibility requirement; and

(v) No other permit has been granted for the same calendar quarter.

(b) A permit shall be granted to the first person properly applying under the requirements of this section.

(c) The times during which parades must be conducted, are as follows:

(i) Saturdays, Sundays, or legal holidays;

(ii) Of no more than three (3) hours duration;

(iii) Between the hours of 8:00 A.M. and 5:00 P.M.

(d) Permittee shall be responsible for all clean up, and in advance of the parade shall post a five hundred dollar (\$500.00) bond or provide other evidence of financial responsibility to secure payment of expense of such clean up.

(e) The city manager shall notify the applicant within five (5) days after the action of the board of commissioners whether the permit has been granted or denied. If the permit has been denied, the city manager shall set forth the reasons why the board of commissioners denied the permit.

(f) In computing any period of time set out in this section, no Saturdays, Sundays, or holidays are to be computed in the time period.

(5) Contents of permit. Each parade permit shall state the following:

(a) Assembly and disassembly time and place;

(b) Starting time;

(c) The route and the portions of the streets to be traversed that may be occupied by the parade;

(d) Minimum speed;

(e) Maximum speed;
 (f) Interval of space between parade units;
 (g) The maximum length of the parade in miles or fractions thereof;

(h) Other information as the board of commissioners in cooperation with the chief of police shall find necessary to the enforcement of this section.

(i) Insurance coverage for any and all acts that occur during the course of the parade event naming the City of Belle Meade as an additional insured, and in amounts to be determined by the city manager.

(6) Duties of permittee. (a) Permittee shall comply with all permit application information, permit directions and conditions, and with all applicable laws and ordinances.

(b) The permittee shall advise parade participants of such permit requirements.

(c) The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the parade.

(d) The parade chair or other person heading or leading such activity is personally responsible for strict compliance with all other provisions of the Belle Meade Municipal Code or zoning ordinance, including without limitation all provisions concerning signs.

(7) Revocation of permit. (a) The board of commissioners or their designee shall have the authority to revoke a parade permit issued hereunder prior to the parade upon the application of the standards for issuance has herein set forth if it is found that:

(i) Applicant materially misrepresented facts of information in the application; and/or

(ii) Applicant failed to meet the standards for issuance set forth herein.

(iii) Applicant has violated any other provision of the Municipal Code of the City of Belle Meade.

(b) The board of commissioners or their designee shall have the authority to revoke the permit during the parade and disassemble the parade if:

(i) A public emergency arises requiring such revocation to protect the safety of persons or property; or

(ii) Disorderly conduct, riots, lawless activity, violence, or other breach of the peace, incited by parade participants, occurs.

(8) Severability. This section shall be severable, and if any word, clause, phrase, sentence, or paragraph is declared unconstitutional, the remaining portions shall remain in full force and effect.

(9) Violation and penalty. (a) It shall be unlawful for any person to parade without first having obtained a permit as required by this section.

(b) It shall be unlawful for any person to participate in a parade on the streets of Belle Meade for which a permit has not been granted.

(c) It shall be unlawful for any person to fail to comply with all directions and conditions of the parade permit.

(d) Any person violating the provisions of any section of this section shall, upon conviction, be fined not more than five hundred dollars (\$500.00) for each violation.

(10) Notice to city officials. Immediately upon the issuance of a parade permit, the city manager shall send a copy of the permit to the following:

(a) The mayor.

(b) The city attorney.

(c) The chief of police.

(1987 Code, § 12-110, as renumbered by Ord. #90-2, § 1, and amended by Ord. #94-3, § 1, July 1994, Ord. #95-9, Dec. 1995, Ord. #2013-3, July 2013, and Ord. #2019-3, June 2019 *Ch7_6-26-19*)

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 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. (1987 Code, § 12-111, as renumbered by ord. 90-2, § 1)

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. (1987 Code, § 12-112, as renumbered by ord. 90-2, § 1)

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 manager is open for business, and said permit shall be retroactive to the date when the work was begun. (1987 Code, § 12-201)

16-202. Applications. Applications for such permits shall be made to the city manager, 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 city manager within twenty-four (24) hours of its filing. (1987 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. (1987 Code, § 12-203)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the city manager 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 city manager 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 city manager a surety bond in such form and amount as the city manager shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1987 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. (1987 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 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

city manager 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. (1987 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 city manager 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. (1987 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 city manager. (1987 Code, § 12-208)

16-209. Supervision. The city manager 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. (1987 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 city manager. 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 to separate said driveways. Driveway aprons shall not extend out into the street. (1987 Code, § 12-210)

CHAPTER 3

REQUIREMENTS FOR NEW ROAD AND STREET CONSTRUCTION

SECTION

- 16-301. Rules established.
- 16-302. Preparation of subgrade.
- 16-303. Construction.
- 16-304. Shoulders.
- 16-305. Cement concrete ditch paving.
- 16-306. Seeding.
- 16-307. Sodding.
- 16-308. Field representative.
- 16-309. Acceptance of streets.

16-301. Rules established. The following procedures, directions, and requirements are established and shall be complied with in the case of every new road or street constructed for approval, acceptance, and maintenance by the City of Belle Meade. (Ord. 71-4, § 1. 1987 Code, § 12-301)

16-302. Preparation of subgrade. Before grading is started, the area within the limits of construction shall be cleared of all objectionable matter such as trees, stumps, roots, weeds, heavy vegetation, etc. Topsoil shall be removed and stockpiled for later use as a topping-out material for seeding and sodding. If rock is encountered, it shall be removed to a depth of at least 12 inches below the grade of the road, and suitable backfill material will be used to build the cut section up to proposed grade. Fills shall be compacted to 95 percent of the standard optimum Proctor density. (Soil testing shall be accomplished by an approved testing laboratory.) To attain this compaction, it will be necessary to adhere to the following procedures. Fill material shall be evenly and uniformly spread in layers not to exceed 8 inches in thickness over the entire width and thickness of the embankment section. Each layer shall be thoroughly rolled with an approved sheeps foot or pneumatic tired roller. If, in the opinion of the field representative of the City of Belle Meade, the soil is too dry, water will be added by a pressure distributor or other approved method. Soils which are too wet will be allowed to dry before compaction is attempted. After grading is completed and approved by the City of Belle Meade and before any base is applied, all of the underground work--water mains, gas mains, telephone cable, and service connections from any of the above--shall be installed completely throughout the length and width of the road. Where the sub-grade is cut for installation of underground utilities, the backfill shall be thoroughly compacted in layers not to exceed 8 inches in thickness by hand or by pneumatic tamping equipment. Backfills shall be compacted to a density not less than that of the original

compacted fill. The finished subgrade shall provide for superelevation and crown of the roadway. (Ord. 71-4, § 1(A). 1987 Code, § 12-302)

16-303. Construction. Construction shall be in accordance with specifications on file and available for inspection and copying at the office of the building inspector of the City of Belle Meade. (As replaced by ord. 85-2. 1987 Code, § 12-303)

16-304. Shoulders. Shoulders shall be compacted to the thickness and width as shown on the typical section plan.

Shoulders shall be compacted in accordance with the provisions for construction of the base and of the same quality and gradation of stone. The shoulders shall be finished, primed, and chipped after the asphaltic concrete binder course has been completed. (Ord. 71-4, § 1(E), as amended by ord. 86-2. 1987 Code, § 12-304)

16-305. Cement concrete ditch paving. Cement concrete ditch paving shall be carried out in accordance with specifications of the Tennessee State Highway Department. (Ord. 71-4, § 1(F), as amended by ord. 86-2. 1987 Code, § 12-305)

16-306. Seeding. Seeding shall be carried out in accordance with specifications of the Tennessee State Highway Department. (Ord. 71-4, § 1(G), as amended by ord. 86-2. 1987 Code, § 12-306)

16-307. Sodding. Sodding shall be carried out in accordance with specifications of the Tennessee State Highway Department. (Ord. 71-4, § 1(H), as amended by ord. 86-2. 1987 Code, § 12-307)

16-308. Field representative. The mayor is authorized to appoint a field representative for the city to inspect and approve such procedures and construction work in progress. Such field representative shall be an engineer licensed by the board of licensing engineers and architects with experience in road and street construction or shall have had not less than ten (10) years experience in the construction of roads and streets in Tennessee and the inspection of same or shall be designated as qualified to perform and inspect work by the Commissioner of Highways of the State of Tennessee. (Ord. 71-4, § 2, as amended by ord. 86-2. 1987 Code, § 12-308)

16-309. Acceptance of streets. No road, street, or highway shall be approved for acceptance and maintenance by the City of Belle Meade until same shall have been approved by an inspector appointed in conformity with the provisions hereof. Upon notification of such approval, the board of commissioners, may, by appropriate resolution adopted by a majority vote,

consummate approval and acceptance for maintenance by the city. (Ord. 71-4, § 3, as amended by ord. 86-2. 1987 Code, § 12-309)