

## TITLE 16

### STREETS AND SIDEWALKS, ETC<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. PROPERTY NUMBERING SYSTEM.
4. HEAVY VEHICLES.

#### 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. Street acceptance policy.

**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. (1996 Code, § 16-101)

**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 feet (14') or over any sidewalk at a height of less than eight feet (8'). (1996 Code, § 16-102)

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

**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. (1996 Code, § 16-103)

**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.<sup>1</sup> (1996 Code, § 16-104)

**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 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. (1996 Code, § 16-105)

**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. (1996 Code, § 16-106)

**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. (1996 Code, § 16-107)

**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. (1996 Code, § 16-108)

**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. (1996 Code, § 16-109)

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<sup>1</sup>Municipal code reference

Building code: title 12, chapter 1.

**16-110. Parades, etc., regulated.** It shall be unlawful for any 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 recorder. No permit shall be issued by the recorder 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. (1996 Code, § 16-110)

**16-111. Operation of trains at crossings regulated.** It is hereby declared to be a misdemeanor for any conductor or engineer or other person operating or in charge of any freight, passenger, or construction train, or train of any character or kind, or for any other person to run, cause to be run, or permit to be run, any train through the corporate limits of the Town of Bulls Gap, Tennessee, without giving a warning of its approach as required by state law, or to stop any train or trains within the corporate limits of the Town of Bulls Gap, Tennessee, so as to prevent the passage of vehicles on street crossings for a longer period of time than fifteen (15) consecutive minutes, excepting, however, stops and obstructions at said crossings necessitated by accident or mechanical failure, and then, in such event, said crossing shall be cleared as quickly as reasonably possible. (1996 Code, § 16-111)

**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. (1996 Code, § 16-112)

**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. (1996 Code, § 16-113)

**16-114. Street acceptance policy.** In order to provide for adequate street improvements, elimination of traffic congestion, and the health, safety, and general welfare of the citizens of the Town of Bulls Gap, the board of mayor and alderman shall not accept as a public street any recorded right-of-way until it has met the minimum standards herein described.

(1) The proposed street shall have a right-of-way width of at least fifty feet (50') unless the requirement would cause undue hardship.

(2) All proposed streets shall have an improved base to a width of thirty feet (30'). The base shall be compacted to a six inch (6") depth and shall be installed according to the methods specified in *Standard Specifications for*

*Road and Bridge Construction*, § 3, Tennessee Department of Highways and Public Works, January 1, 1968. A prime coat shall be applied so as to leave one foot (1') of base remaining on each side of the improvement as a shoulder. The prime coat cover shall be applied as specified in *Standard Specifications for Road and Bridge Construction*, § 402, Tennessee Department of Highways and Public Works, January 1, 1968, and latest revisions thereto. Following completion of the prime coat a wearing course not less than two inches (2") thick as shown in *Standard Specifications for Road and Bridge Construction*, § 411, Tennessee Department of Highways and Public Works, January 1, 1968, shall be applied to complete the surfacing of the proposed street.

(3) Prior to final acceptance of a proposed street as a public street, the Bulls Gap Planning Commission shall study a plat of the proposed street and make its approval or disapproval known to the board of mayor and aldermen. (1996 Code, § 16-114)

## CHAPTER 2

### EXCAVATIONS AND CUTS<sup>1</sup>

#### 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 recorder is open for business, and said permit shall be retroactive to the date when the work was begun. (1996 Code, § 16-201)

**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

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<sup>1</sup>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. (1996 Code, § 16-202)

**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 feet (25') 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. (1996 Code, § 16-203)

**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 mayor 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 municipality of relaying the surface of the ground or pavement, and of making the refill if this is done by the municipality 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 municipality if the applicant fails to make proper restoration. (1996 Code, § 16-204)

**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. (1996 Code, § 16-205)

**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 town shall restore said street, alley, or public place to its original condition or 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 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. (1996 Code, § 16-206)

**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 three hundred thousand dollars (\$300,000.00) for bodily injury of any one (1) person in one (1) accident or occurrence, seven hundred thousand dollars (\$700,000.00) for bodily injury or death from any one (1) accident or occurrence, and one hundred thousand dollars (\$100,000.00) for property damage.<sup>1</sup> (1996 Code, § 16-207, 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. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the recorder. (1996 Code, § 16-208)

**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 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. (1996 Code, § 16-209)

**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 and paying a one dollar (\$1.00) permit fee. 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

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<sup>1</sup>State law reference

*Tennessee Code Annotated*, § 29-20-403.

driveway shall exceed thirty-five feet (35') 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 feet (10') in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1996 Code, § 16-210)



## CHAPTER 3

### PROPERTY NUMBERING SYSTEM

#### SECTION

- 16-301. Uniform numbering system adopted.
- 16-302. Assignment of numbers.
- 16-303. Administration.
- 16-304. Violations and penalty.

**16-301. Uniform numbering system adopted.** A uniform system of numbering properties and principal buildings, as shown on the map identified by the title "Bulls Gap, Tennessee - Property Numbering System" dated November 1, 1978, which is filed in the office of the recorder, is hereby adopted for use in the Town of Bulls Gap, Tennessee. This map and all explanatory matter thereon, is hereby adopted and made a part of this chapter. (1996 Code, § 16-301)

**16-302. Assignment of numbers.** (1) All properties or parcels of land within the corporate limits of Bulls Gap, Tennessee shall hereafter be identified by reference to the uniform numbering system adopted herein, provided, all existing numbers of property and buildings not now in conformity with provisions of this chapter shall be changed to conform to the system herein adopted within two (2) months from the date of passage of this chapter.

(2) A separate number shall be assigned according to the interval designated in the following schedule and as indicated on the accompanying maps. Within the corporate limits a separate number shall be assigned for each fifty feet (50') of frontage.

(3) Each principal building shall bear the number assigned to the frontage on which the front entrance is located. In case a principal building is occupied by more than one (1) business or family dwelling unit, each separate front entrance of such principal building shall bear a separate number.

(4) Numerals indicating the official numbers for each principal building or each front entrance to such building shall be posted in a manner as to be visible from the street on which the property is located. The purchase and installation of numerals shall be the responsibility of the property owner. 1996 Code, § 16-302)

**16-303. Administration.** (1) The municipal building inspector shall be responsible for maintaining the numbering system. In the performance of this responsibility he shall be guided by the provisions of § 16-302.

(2) The building inspector shall keep a record of all numbers assigned under this chapter. (1996 Code, § 16-303)

**16-304. Violations and penalty.** Violation of this chapter shall be a misdemeanor and may be punished by a fine of two dollars (\$2.00) to fifty dollars (\$50.00). Each separate day such violation is continued shall constitute a separate offense. (1996 Code, § 16-304)

## CHAPTER 4

### HEAVY VEHICLES

#### SECTION

16-401. Heavy vehicles.

16-402. Exceptions.

**16-401. Heavy vehicles.** No tractor or tract or-trailer, nor any category of truck with a gross vehicle weight in excess of ten thousand (10,000) pounds may be operated upon the streets of Bulls Gap other than a state or federal highway, South Main Street, South VFW Rd., Wayland Blvd. and Allen Dr.

Under no circumstances shall a heavy vehicle be allowed to use a municipal street for entry or exit to a parking area. In the event such a vehicle causes damage to a municipal street and/or street right-of-way the owner/driver shall be liable for all costs to repair said street and/or right-of-way. (Ord. #10-5-2-01, Dec. 2012)

**16-402. Exceptions.** The following are exceptions to this chapter;

(1) Such heavy vehicles as are traveling on streets by necessity in order to permit the operator to make a local delivery or accomplish some other limited, lawful, occasional, and temporary purpose. In the event such a vehicle causes damage to a municipal street and/or street right-of-way the owner/driver shall be liable for all costs to repair said street and/or right-of-way;

(2) The operation of heavy vehicles upon any street where necessary to the conduct of business at a destination point within the town provided streets allowed for truck traffic are used until reaching the intersection nearest the destination point. In the event such a vehicle causes damage to a municipal street they shall be liable for all costs to repair said street;

(3) The operation of emergency vehicles upon any street in the town;

(4) The operation of school buses;

(5) The operation of vehicles owned or operated by the town, public utilities, any contractor or material man which is and while engaged in the repair, maintenance or construction of streets, street improvements, utilities, or sanitation collection within the town; and

(6) The operation of vehicles in an area designated as a B-3 Arterial Business zone or M-1 Industrial zone. (Ord. #10-15-12-01, Dec. 2012)