

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. UNIFORM PROPERTY NUMBERING SYSTEM.

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. Animals and vehicles on sidewalks.
- 16-112. Fires in streets, etc.
- 16-113. Posting signs and notices.
- 16-114. Basketball goals on streets.
- 16-115. Dirt, dust, debris and trash from construction sites on city roads.
- 16-116. Skateboards and skate regulations.

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. (1995 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, alley at a height of less than fourteen feet (14'). (1995 Code, § 16-102)

¹Municipal 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, hedge, billboard, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1995 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. (1995 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 city council. (1995 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. (1995 Code, § 16-106)

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, grass 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. (1995 Code, § 16-107, as replaced by Ord. #533, Sept. 2020 *Ch1_02-11-21*)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch by grass or any other obstruction in any public right-of-way. (1995 Code, § 16-108, as replaced by Ord. #533, Sept. 2020 *Ch1_02-11-21*)

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean of grass and grass clippings. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1995 Code, § 16-109, as replaced by Ord. #533, Sept. 2020 *Ch1_02-11-21*)

16-110. Parades, etc., regulated. It shall be unlawful for any 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 clerk. No permit shall be issued by the city clerk

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 immediately clean up the resulting litter. (1995 Code, § 16-110)

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 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. (1995 Code, § 16-112)

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. (1995 Code, § 16-113)

16-113. Posting signs and notices. The following regulations shall govern the posting of signs and notices within the city.

(1) Before displaying advertising posters of any kind the organization or individual proposing to display such advertising posters other than those attached to stakes erected in consented private yards shall deposit with the city clerk fifty dollars (\$50.00) to guarantee their removal within forty-eight (48) hours after the completion of such event. Failure to make such removal shall result in forfeiture of the deposit guarantee.

(2) Advertising not so removed shall be removed by the city.

(3) Any advertising attached to trees, utility poles and in any other manner in violation of the Tennessee state laws shall result in forfeiture of the deposit guarantee. This forfeiture shall not exempt anyone from prosecution for the violation of any state laws.

(4) In the case of political primary advertising, such advertising as may also apply to a general election candidate shall be exempt from the forty eight (48) hour limit; however, all such advertising both primary and general shall be removed within the forty eight (48) hour limit after the close of the general election. (1995 Code, § 16-114)

16-114. Basketball goals on streets. (1) No portable or fixed basketball goal shall be placed, erected or maintained on or alongside the right-of-way of any public street within the municipal limits of the City of McKenzie, Tennessee so as to allow a person or persons to play within the street. The placement of any basketball goal within a public right-of-way or the presence of persons within a public street playing basketball on such a goal shall be a violation of this section.

(2) Any violation of this section shall be punishable by a fine of fifty dollars (\$50.00). (1995 Code, § 16-115)

16-115. Dirt, dust, debris and trash from construction sites on city roads. It shall be unlawful to allow dirt, dust, debris, and trash from construction sites to accumulate on city streets or neighboring property. Contractors must use dust and dirt control methods to prevent city streets and neighboring property from being contaminated with dirt and dust from construction sites. Contractors shall use dust control to keep dust from accumulating on city streets and to prevent dust accumulations on neighboring property.

Violation of this section shall be punishable by a penalty under the general penalty provision of this code.

16-116. Skateboards and skate regulations. (1) Prohibition. It shall be unlawful for any person to skate utilizing a skateboard, roller skates, in-line skates, roller blades, heeies, heel skates or any like type conveyance in the historic district, downtown business district, or any place where such activity disrupts traffic, either motorized or pedestrian, or business operations or creates a danger to bystanders. No bicycles on the sidewalks in the downtown historic district.

(2) Skate park. The city has built a skateboard park for the purpose of providing a location for said skate activities to take place in a regulated and legal environment subject to the park's posted rules and regulations. All skating activities are encouraged to take place only in the park.

(3) Any violation of this section shall be punishable by a fine of fifty dollars (\$50.00). (as added by Ord. #480, April 2014 ***Ch1_02-11-21***)

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 clerk is open for business, and said permit shall be retroactive to the date when the work was begun. (1995 Code, § 16-201)

16-202. Applications. Applications for such permits shall be made to the city clerk, 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

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).

to the work to be done. Such application shall be rejected or approved by the city clerk within twenty-four (24) hours of its filing. (1995 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. (1995 Code, § 16-203)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the city clerk 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, except that where the amount of the deposit is clearly inadequate to cover the cost of restoration, the city clerk 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 clerk a surety bond in such form and amount as the city clerk shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1995 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. (1995 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 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 city clerk 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. (1995 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 prescribed by the city 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 each person and seven hundred thousand dollars (\$700,000.00) for each accident, and for property damages not less than one hundred thousand dollars (\$100,000.00) for each accident.

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 clerk. (1995 Code, § 16-208)

16-209. Supervision. The city clerk 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. (1995 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 city clerk. 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 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. (1995 Code, § 16-210)

CHAPTER 3

UNIFORM PROPERTY NUMBERING SYSTEM

SECTION

- 16-301. Uniform numbering system established.
- 16-302. Assignment of number.
- 16-303. Administration.
- 16-304. Violations and penalties.

16-301. Uniform numbering system established. A uniform system of numbering properties and principal buildings, as shown on the maps identified by the title "property numbering system" which are filed in the office of the city clerk, are hereby adopted for use in the City of McKenzie. These maps and all explanatory matter thereon, are hereby adopted and made a part of this chapter. (1995 Code, § 16-301)

16-302. Assignment of number. The following regulations shall govern the assignment of property numbers within the corporate limits:

(1) All properties or parcels of land within the corporate limits of McKenzie shall hereafter be identified by reference to the uniform numbering system adopted herein, provided: all existing numbers of property and buildings not in conformity with provisions of this chapter shall be changed to conform to the system herein adopted within six (6) months from the date of passage of this chapter or whenever uniform system is completed, whichever is later.

(2) A separate number shall generally be assigned for each forty feet (40'), except for the Central Business District which will be assigned a separate number for each fifteen feet (15') of frontage.

(3) Whenever possible, 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 dwelling unit, only one (1) number will be assigned and each separate unit will carry a letter designation, such as A, B, C, in addition to the number assigned the principal building.

(4) In cases of group housing projects with private streets, only one (1) number will be assigned to the drive or court. The number assigned to the drive will then become the street address of all units facing the drive or court. Separate units would carry the street number as well as the apartment number.

(5) Numerals indicating the official number of each principal building shall be posted in a manner as to be visible from the street on which the property is located.

(6) Whenever any house, building, or structure shall be erected or located in the City of McKenzie after the establishment of the uniform numbering system and after the house, building or structure is complete, it shall

be the duty of the owner to procure the correct number or numbers from the city clerk for the said property and to immediately fasten the said number of numbers so assigned upon said building as provided by this chapter. (1995 Code, § 16-302)

16-303. Administration. (1) The city clerk, with assistance from the McKenzie Planning Commission, shall be responsible for maintaining the numbering system.

(2) The city clerk shall keep a record of all numbers assigned under this chapter.

(3) The city clerk shall issue to any city property owner upon request and without charge a set of numerals for each principal building. In doing so, the clerk shall issue only numerals for the numbers assigned to such building under the provisions of this chapter and shall not include letter designations, such as A, B, and C. Provided, however, that the clerk may issue additional numerals in accord with the official numbering system whenever a property has been subdivided, a new front entrance opened, or undue hardship has been worked on any property owner. (1995 Code, § 16-303)

16-304. Violations and penalties. Violation of this chapter shall be a misdemeanor which may be punished by a fine pursuant to the general penalty provision of this municipal code of ordinances. (1995 Code, § 16-304)