

## TITLE 16

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

#### CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. CURB CUT REGULATIONS.

#### 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.

**16-101. 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. (1990 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 twelve feet (12') or over any sidewalk at a height of less than eight feet (8'). (Ord. #225, Oct. 2001)

**16-103. Trees, etc., obstructing view at intersections prohibited.** It shall be unlawful for any property owner or occupant to have or maintain on

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<sup>1</sup>Municipal 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. (1990 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> (1990 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 or above any public street or alley except when expressly authorized by the board of mayor and aldermen after a finding that no hazard will be created by such banner or sign. (1990 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. (1990 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, grass clippings 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. (1990 Code, § 16-107, as amended by Ord. #18-475, Oct. 2019 *Ch7\_10-24-19*)

**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. (1990 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. (1990 Code, § 16-109)

**16-110. Parades, etc., regulated.** It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or

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<sup>1</sup>Municipal code reference  
Building code: title 12, chapter 1.

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. (1990 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 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. (1990 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. (1990 Code, § 16-113)

## CHAPTER 2

### EXCAVATIONS

#### SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Safety restrictions on excavations.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Violations.

**16-201. Permit required.** It shall be unlawful for any person, firm, corporation, association, or others, including utility districts, to make any excavation in any right-of-way, street, alley, or public place, or tunnel under any right-of-way, 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 underground facilities, in or under the surface of any street, or along any right-of-way may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practically be obtained beforehand. Such person shall thereafter apply for a permit on the first regular business day on which the office of the city recorder is open for business, and the permit shall be retroactive to the date when the work was done. (Ord. #194, Sept. 1998)

**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 to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1990 Code, § 16-202)

**16-203. Fee.** The fee for such permits, which shall include the cost of inspection by the building inspector prior to the excavation being refilled, shall be one hundred dollars (\$100.00). (Ord. #194, Sept. 1998)

**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 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 town if the applicant fails to make proper restoration. (1990 Code, § 16-204)

**16-205. Safety restrictions on excavations.** 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. (1990 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 right-of-way, street, alley, or public place in the Town of Mount Carmel, Tennessee, shall restore the right-of-way, street, alley, or public place to its original condition. In the case of unreasonable delay in restoring the right-of-way, street, alley, or public place, the city recorder shall give notice to the person, firm, corporation, association or others that unless the excavation or tunnel is refilled properly according to town specifications within a specified reasonable amount of time, and, if applicable, the resurfacing restored to its original condition, all within a specified reasonable time period, the Town of Mount Carmel, Tennessee, may elect to do the refilling and resurfacing work and charge the expense of doing the same to such person, firm, corporation, association, or others including a twenty percent (20%) premium charge due to the administration expense and expenditure of time. If within the specified time, the conditions of the above notice have not been complied with, the work shall be done by the Town of Mount Carmel, Tennessee, an accurate account of the expense involved shall be kept, and the total costs plus the twenty percent (20%) premium shall be charged to the person, firm, corporation, association, or others

who made the excavation or tunnel. This remedy may be in lieu of, or, in addition to, any other fines provided under this chapter. However, any person, firm, corporation, association, or others making any excavation or tunnel in or under any right-of-way, street, alley, or public place in the Town of Mount Carmel, Tennessee, shall notify the building inspector who shall inspect the excavation or tunnel and its restoration to see that such excavation or tunnel and its restoration complies with all applicable rules and regulations and to see that it is properly restored with adequate gravel, back fill, and properly resurfaced. Any such person, firm, corporation, association, or others restoring any excavation or tunnel are subject to a fine of fifty dollars (\$50.00) per day for each and every day that the excavation or tunnel is restored without the building inspector having approved the restoration of the excavation or tunnel. (Ord. #234, Dec. 2001)

**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 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.

**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 town if the town 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. (1990 Code, § 16-208)

**16-209. Supervision.** The person designated by the board of mayor and aldermen of the Town of Mount Carmel, Tennessee, shall from time to time inspect all excavations and tunnels being made in or under any right-of-way, street, alley, or other public place in the town and the restoration thereof and

see to the enforcement of the provisions of this chapter. Notice shall be given to him at least eight (8) hours before the work of refilling such excavation or tunnel commences. (Ord. #194, Sept. 1998)

**16-210. Violations.** Any violation of this chapter is punishable by fine of up to fifty dollars (\$50.00) for each and every violation of any provision of this chapter. Each day of non-compliance with the provisions of this chapter shall be deemed a separate offense. (Ord. #236, Dec. 2001)

## CHAPTER 3

### CURB CUT REGULATIONS

#### SECTION

- 16-301. Purpose.
- 16-302. Definitions.
- 16-303. Permit required.
- 16-304. Prohibited locations.
- 16-305. Width of driveway approach.
- 16-306. Requirements for curb restoration.
- 16-307. Unusual conditions.
- 16-308. Inspection required.
- 16-309. Penalties.

**16-301. Purpose.** The purpose of this chapter is to ensure that curb cuts are properly controlled and limited to the extent practical. This chapter also ensures that stormwater flow is not interpreted by curb cuts. (Ord. #253, Sept. 2002)

**16-302. Definitions.** For the purpose of this chapter, the following definitions apply:

(1) "Driveway." An area on private property where automobiles and other vehicles are operated or are allowed to stand.

(2) "Driveway approach." Any area, construction or facility between the roadway of a public street and private property intended to provide access for vehicles from the roadway of a public street to something definite on private property, such as a parking area or a driveway and used for the entrance and exit of automobiles. (Ord. #253, Sept. 2002)

**16-303. Permit required.** Prior to cutting a curb or constructing a driveway approach or driveway, a permit shall be obtained. The fee is thirty dollars (\$30.00). The building inspector is designated to act on these permits based on detailed plans to include width of the cut/driveway, length of the driveway, exact location on the lot, slopes of the ground and street and whether or not a curb exists, and if so, its height. (Ord. #253, Sept. 2002)

**16-304. Prohibited locations.** (1) No driveway approach shall be permitted to encompass any municipal or public owned facility.

(2) No driveway approach, including end slopes, shall be permitted within five feet (5') of the right-of-way of an intersecting street.

(3) No driveway or series of driveway approaches serving other than

residential property shall be permitted to be constructed in such a way that the exit from said property would be accomplished by backing vehicles into a street right-of-way or roadway. (Ord. #253, Sept. 2002)

**16-305. Width of driveway approach.** A driveway at an intersection with public streets shall not exceed twenty-four feet (24') for residential lots and thirty feet (30') for other property. Those business located in the business zones may have road frontage access for the entire length that the property fronts a public street provided that adequate off right-of-way parking is provided. (Ord. #253, Sept. 2002)

**16-306. Requirements for curb restoration.** Cut curbs will be restored as follows: all curbs will be built back to a height of two inches (2") minimum, using concrete at least six inches (6") deep and a minimum of three feet (3') wide. Curbs that adjoin property which slopes away (down) from the street will be built back to a minimum of four inches (4") or one-half (1/2) the height of the adjoining curb, whichever is greater. (Ord. #253, Sept. 2002)

**16-307. Unusual conditions.** The building inspector may issue variances from this chapter provided the following conditions are present:

- (1) The variance requested arises from peculiar physical conditions not ordinarily existing in similar districts in the town or is due to the nature of the business or operation upon the applicant's property;
- (2) The variance request is not against the public interest, particularly safety, convenience and general welfare;
- (3) The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or tenants; and
- (4) The terms of this section will cause unnecessary hardship upon the applicant, property owner or tenant. (Ord. #253, Sept. 2002)

**16-308. Inspection required.** The building inspector will conduct an inspection following the installation of the curb cut/driveway connection to ensure compliance with the requirements herein. If the curb restoration is improper, corrective action will be required as determined by the building inspector. (Ord. #253, Sept. 2002)

**16-309. Penalties.** Any developer or person who shall commit any act declared unlawful under this chapter, who violates any provision of this chapter, who violates the provisions of any permit issued pursuant to this chapter, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by any authorized enforcement officer or the Mount Carmel Planning Commission, shall be guilty of a misdemeanor, and each day of such violation or failure to comply shall be deemed a separate offense and punishable accordingly. Penalties are specified in the table below:

| SPECIFICATION  | FINE   |
|--|--|
| Cutting curb without a permit                                | \$50.00  |
| Improper installation of curb restoration                    | \$50.00  |
| Failure to correct improper installation of curb restoration | \$50.00<br>per day until the installation is corrected |

(Ord. #253, Sept. 2002)