

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.

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. Violations and penalties.

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. (Ord. #98-24, Dec. 1998)

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 (14) feet or over any sidewalk at a height of less than eight (8) feet. (Ord. #98-24, Dec. 1998)

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. (Ord. #98-24, Dec. 1998)

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 zoning and/or building code.¹ (Ord. #98-24, Dec. 1998)

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 mayor and aldermen after a finding that no hazard will be created by such banner or sign. (Ord. #98-24, Dec. 1998)

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 law. (Ord. #98-24, Dec. 1998, as replaced by Ord. #16-18, Nov. 2016 *Ch3_6-6-19*)

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, leaves 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. (Ord. #98-24, Dec. 1998, as amended by Ord. #98-28, Jan. 1999)

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. (Ord. #98-24, Dec. 1998)

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. (Ord. #98-24, Dec. 1998)

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

¹Municipal code reference
Building code: title 12, chapter 1.

or exhibition on the public streets without some responsible representative first securing a permit from the town recorder. (Ord. #98-24, Dec. 1998)

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. (Ord. #98-24, Dec. 1998)

16-112. Fires in streets, etc.¹ It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk. (Ord. #98-24, Dec. 1998)

16-113. Violations and penalty. Violations of this chapter shall subject the offender to a penalty under the general penalty provisions of this code. (Ord. #98-24, Dec. 1998, as replaced by Ord. #16-18, Nov. 2016 *Ch3_6-6-19*)

¹Municipal code reference
Fire code: title 7, chapter 1.

CHAPTER 2

EXCAVATIONS AND CUTS

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fees.
- 16-204. Driveway cuts.
- 16-205. Barricades required.
- 16-206. Safety precautions.
- 16-207. Testing for flammable gases and/or liquids in utility manholes.
- 16-208. Safety standards.
- 16-209. Excavation and/or removal of materials.
- 16-210. Unguarded excavations or openings adjacent to sidewalks or right-of-way.
- 16-211. Refilling excavated areas.
- 16-212. Replacement of curbs, gutters, sidewalks, pavements, etc.
- 16-213. Bond and insurance required.
- 16-214. Limitation.
- 16-215. Penalty for violation.

16-201. Permit required. Excavation in public ways; permit required before making excavations; time for performing excavation. (1) No person, firm, association, corporation, limited liability company, partnership, public or private utility, or others shall dig or cause to be dug any ditch, drain, trench, or other excavation, nor cause any embankment or other obstruction to be constructed in, on, or under any street, road, alley, sidewalk, or other public way within the jurisdiction of the Town of Nolensville without first having applied for and obtained from the Town of Nolensville permission to do so.

Any person, firm, association, corporation, limited liability company, partnership, public or private utility, or others maintaining pipes, lines, or other underground facilities in or under the surface of any street, road, alley, sidewalk or other public way may proceed with an opening without a permit, but only when emergency circumstances demand the work be done immediately and a permit cannot be reasonably and practicably be obtained beforehand. The person or entity involved shall thereafter apply for a permit on the first regular business day on which the office of the Town of Nolensville is open for business and such a permit shall be retroactive to the date when the work was begun.

(2) Every permittee holding a valid permit to perform excavation or to otherwise cause any obstruction in, on or under any street, road, alley, sidewalk, or other public way within the jurisdiction of the Town of Nolensville shall perform the work only within the hours stipulated on the permit. Work not completed during any stipulated period of hours shall be bridged, backfilled, or

otherwise render unable for pedestrian and/or vehicular traffic until the next period of hours during which work is permitted. Each violation of the permitted hours of work shall constitute a separate violation.

(3) It is the responsibility of the permittee to obtain necessary provisions for the location of existing utilities in the area. Before digging proof of provisions required will be examined by the town building inspector before commencing. (Ord. #97-07, July 1997, as amended by Ord. #99-19, Sept. 1999)

16-202. Applications. Application for such permits shall be made to the Town of Nolensville shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person or entity doing the actual excavating, and the name of the person or entity 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 Town of Nolensville in a timely fashion. (Ord. #97-07, July 1997)

16-203. Fees. For the privilege of excavating in, on or across streets, roads, alleys, sidewalks or other public ways within the jurisdiction of the Town of Nolensville, certain fees will be charged as follows:

(a) The fee for excavation permits shall be \$25.00 for excavations which do not exceed 25 square feet in area or tunnels not exceeding 25 feet in length and \$1.00 for each additional square foot in the case of excavations, or lineal foot, in the case of tunnels and

(b) The fee charged shall not exceed \$100.00 for any permit. Fees may be waived by the Town of Nolensville, at its sole discretion, for excavation and tunnel work required to be performed under emergency circumstances. (Ord. #97-07, July 1997)

16-204. Driveway cuts. No one shall cut, build or maintain a driveway which joins a public right-of-way without first obtaining a permit from the Town of Nolensville. Such permit will not be issued when the contemplated driveway is to be so located or constructed as to create a drainage problem or an unreasonable hazard to pedestrian and/or vehicular traffic. Driveway aprons shall not extend out into the street and no asphalt curbs may be installed or constructed by the permittee or any person or entity without the written consent of the Town of Nolensville. The Town of Nolensville may waive the issuance of a permit for driveway cuts if it is determined not to be necessary. (Ord. #97-07, July 1997)

16-205. Barricades required. Any person or entity doing the excavating, who shall dig, or cause to be dug any ditch, drain, or other excavation or cause any embankment or other construction to be constructed, on, or under, across, or adjoining, any street, alley, road, sidewalk, or other

public way or shall perform work in and around any utility manhole in or adjoining any public way within the jurisdiction of the Town of Nolensville, shall have the same guarded at all times with a substantial barricade, sufficient and suitable to warn persons traveling on or using such street, road, alley, sidewalk, or other public way of the presence of such excavation or utility manhole and the danger therefrom. (Ord. #97-07, July 1997)

16-206. Safety precautions. (1) Every person, firm, corporation, public or private utility, association, or others, who shall dig or cause to be dug any ditch, rain, trench, or other excavation or cause any embankment or other obstruction to be constructed in, or, under, across, or adjoining any street, road, alley, sidewalk, or other public way or shall perform work in and around any utility manhole or adjoining any public way, within the jurisdiction of the Town of Nolensville, shall, in addition to the barricades heretofore specified, post or otherwise place warning lights at the ends and sides of each excavation, utility manhole, or other obstruction during the entire night, and if such excavation or other obstruction shall extend more than 50 feet along such street, road, alleys, sidewalk, or other public way, thence additional warning lights shall be placed each 25 feet or fraction thereof. Where excavations or other obstructions shall extend across any street, road, alley, sidewalk, or other public way, warning lights shall be placed at six foot intervals along such excavation or other obstruction. All lights shall be secured in such manner as not to be displaced by winds or storms.

(2) 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. It shall be the responsibility of the permittee to adhere to the Manual of Uniform Traffic-Control Devices.

(3) The permittee shall carry on the work authorized by the permit in such manner as to cause minimum of interference with traffic. Permittee shall provide adequate warning signs and devices to warn and guide traffic, and shall place the signs and warning devices in a position of maximum effectiveness. Where the Town of Nolensville determines that difficult or potentially hazardous conditions exist, competent flagmen shall be provided by the permittee to effect a safe and orderly movement of traffic. Where insufficient traffic lanes exist because of street openings, adequate bridging shall be supplied by the permittee. When traffic congestion occurs in spite of all precautions, the permittee shall be responsible for providing police assistance. On main thoroughfares and in congested districts, sufficient traffic lanes shall be kept open at all times to permit substantial normal traffic flow, except when emergency conditions require otherwise. Unless this can be accomplished, work shall be done only during the period as the public works director may designate. In the case of emergency occurring in any important thoroughfares, the permittee shall notify the local law enforcement and fire department immediately. (Ord. #97-07, July 1997)

16-207. Testing for flammable gases and/or liquids in utility manholes. No person engaged in working in and around any utility manhole shall enter said utility manhole until testing by instrument or other acceptable method has been performed to determine whether or not said manhole is free from toxic or flammable gases and/or liquids. When tests indicate the presence of toxic and/or flammable gases and/or liquids, the manhole shall be properly ventilated prior to entering of manhole by any person. Tests are to be repeated at such intervals as are necessary to make certain that toxic flammable gases and/or liquids do not recur in hazardous quantities. (Ord. #97-07, July 1997)

16-208. Safety standards. All work shall be performed in and about any utility manhole in or adjoining any highway, street, alley, sidewalk, or any public way in accordance with OSHA standards. (Ord. #97-07, July 1997)

16-209. Excavation and/or removal of materials. Any person who shall dig, quarry, or cause to be dug or quarried any dirt, earth, sand, stone, or paving and/or shall remove said materials from in, on, or under any street, road, alley, sidewalk, or other public way within the jurisdiction of the Town of Nolensville, without the specific direction and/or permission of the public works director or his designee, shall be subject to such a violation, with each location of such diggings, quarrying, and/or removal to constitute a separate offense. (Ord. #97-07, July 1997)

16-210. Unguarded excavations or openings adjacent to sidewalks or right-of-way. It is hereby declared to a nuisance for any person, firm, corporation, public or private utility, association, others, to make any excavation, or to establish any opening adjacent to any sidewalk or public right-of-way within the jurisdiction of the Town of Nolensville without the erection of barricades or other proper precautions to prevent danger to persons or vehicles passing along said sidewalk or public right-of-way. (Ord. #97-07, July 1997)

16-211. Refilling excavated areas. Every person, firm, corporation, public or private utility, association or others, who shall dig or cause to be dug any ditch, drain, trench, or other excavation in, on, under, or across any street, road, alley, sidewalk, or other public way within the jurisdiction of the Town of Nolensville, shall refill carefully all such ditches, drains, trenches, or other excavations by replacing with crushed stone in paved areas and roadway shoulders pending replacement of payment and/or other improvements, and shall fill said ditch, drain, trench, or other excavation with selected earth materials in unpaved or otherwise unimproved areas. In the event any person or entity refills and/or patches any ditch, drain, trench, or other excavation and settlement occurs in the refilled area within three (3) months after the date of the completion of such refilling and/or parching, such person or entity shall be

required to refill and/or patch, without notice, the excavated area to grade and to meet other specifications regarding such refilling that may be promulgated by the Town of Nolensville. In the event any such person or entity fails to refill or patch the excavated area as required by the Town of Nolensville, they shall be subject to any remedies and/or fines available to the Town of Nolensville as provided in §§ 16-213 and 16-215. Specifications for backfilling cuts and excavations are provided in Exhibit A to this chapter¹ and are incorporated herein by this reference. (Ord. #97-07, July 1997)

16-212. Replacement of curbs, gutters, sidewalks, pavements, etc. Every person, firm, corporation, public or private utility, association or others, excavating in, on under, or across any street, road, alley, sidewalk, or other public way within the jurisdiction of the Town of Nolensville shall replace all curbs, gutters, sidewalks, pavements or other special structures disturbed, displaced, or removed, at the expense of said persons making the excavations and in accordance with the standard requirements and specifications of the public works director. Specifications for the replacement of sidewalks, curbs, gutters, and pavement are provided in Exhibit A to this chapter¹ which is incorporated herein by this reference. (Ord. #97-07, July 1997)

16-213. Bond and insurance required. No permit shall be issued by the public works director or his designee to any person, firm, corporation, private utility, association, or others, for the privilege of excavating in, on or across any street, road, alley, sidewalk, or other public way within the jurisdiction of the Town of Nolensville, until a bond is posed in the amount of \$10,000.00 to insure faithful performance of all work and payment of fees and shall have further furnished certificates of liability insurance in total amount of \$1,000,000.00 per occurrence. Such liability insurance policies shall contain a rider annexed to such policies containing the following provision:

"This policy shall not be canceled, terminated, nullified, or changed by the company unless 30 days prior written notice is sent to the insured by register mail addressed to the Mayor of the Town of Nolensville, Tennessee. (Ord. #97-07, July 1997, as amended by Ord. #98-15, June, 1998)

16-214. Limitation. This chapter shall not apply to any excavation in connection with a public improvement or public work where the work is performed by the town. (Ord. #97-07, July 1997)

¹Exhibits to Ord. #97-07, July 1997 are of record and available in the office of the recorder.

16-215. Penalty for violation. The violation of any provisions of this chapter shall be subject to a penalty of up to \$500.00 for each violation. (Ord. #97-07, July 1997)