

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. RAILROAD GRADE CROSSINGS.
4. 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 regulated.
- 16-111. Animals and vehicles on sidewalks.
- 16-112. Fires in streets, etc.
- 16-113. Vehicle load limits.

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. (1989 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, alley, or sidewalk at a height of less than fourteen (14) feet. (1989 Code, § 12-102)

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

16-103. Trees, etc., obstructing view at intersections prohibited.

(1) Enforcement of this chapter. If the provisions of this chapter are not complied with the city manager shall give notice in writing to the owner, owner's agent or occupant of such lot or parcel of land of said conditions and require the cutting of said obstructions within fifteen (15) days of said notice. The notice shall provide a time and place for said person to appear at the town hall before the city manager and show cause why said order should not be complied with.

A copy of said written notice will also be placed on the bulletin board inside city hall.

If after the notice to appear and after the fifteen (15) days to comply said violations are not corrected the city manager shall notify the streets foreman to cut, remove and or destroy or have same cut, removed and the whole cost thereof or a minimum charge of one hundred dollars (\$100.00) whichever is the greater shall be paid by the owner of said lot or parcel of land. If the bill is not fully paid within one hundred twenty (120) days after the mailing of said bill, a ten percent (10%) penalty shall be added, and it shall be placed on the tax roll of the Town of Oliver Springs as a lien upon the property and collected in the same manner as other town taxes are collected.

(2) 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. (1989 Code, § 12-103, as amended by Ord. #2014-06-05A, June 2014)

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.¹ (1989 Code, § 12-104)

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 town council. (1989 Code, § 12-105)

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 law. (1989 Code, § 12-106)

¹Municipal code reference

Building code: title 12, chapter 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. (1989 Code, § 12-107)

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. (1989 Code, § 12-108)

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. (1989 Code, § 12-109)

16-110. Parades 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 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. (1989 Code, § 12-110)

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 unreasonably to 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. (1989 Code, § 12-112)

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. (1989 Code, § 12-113)

16-113. Vehicle load limits. The load limit for all vehicles on the streets and bridges owned or maintained by the town shall not be in excess of five (5) tons. (1989 Code, § 12-113)

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 building inspector or town administrator is open for business, and said permit shall be retroactive to the date when the work was begun. (1989 Code, § 12-201)

16-202. Applications. Applications for such permits shall be made to the building inspector or town administrator, 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

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).

all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the building inspector or town administrator within twenty-four (24) hours of its filing. (1989 Code, § 12-202)

16-203. Fee. The fee for such permits shall be ten dollars (\$10.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and fifty cents (\$.50) 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. (1989 Code, § 12-203)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the building inspector or town administrator a cash deposit. The deposit shall be in the sum of one hundred dollars (\$100.00) if no pavement is involved or two hundred dollars (\$200.00) 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 town administrator or building inspector 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 town of relaying the surface of the ground or pavement, and of making the refill if this is done by the town 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 building inspector or town administrator a surety bond in such form and amount as the building inspector or town administrator shall deem adequate to cover the costs to the town if the applicant fails to make proper restoration.

The town council may waive the provisions of this section in the case of utilities by providing by resolution separate provisions applicable to utilities operating under franchise grants. (1989 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. (1989 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 town shall restore said street, alley, or public place

to its original condition except for the surfacing, which shall be done by the town, 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 town administrator or building inspector 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. (1989 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 town administrator or building inspector 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. (1989 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 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 town administrator or building inspector. (1989 Code, § 12-208)

16-209. Supervision. The town administrator or building inspector 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. (1989 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 town administrator or building inspector. 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. Driveway aprons shall not extend out into the street.

Any person, firm, corporation, association, or others who plan to make any cut in curbs along town streets, alleys, or public ways in the Town of Oliver Springs shall first contact the building inspector. All such cuts shall be made by the street department of the Town of Oliver Springs but shall be paid for by the requesting party, upon the completion of the work. Such curb shall be replaced with concrete. The person, firm, corporation, association, or others requesting the cut will post with the town treasurer a cash bond equivalent to the cost of the project.

This bond will be held until approval of the work by the building inspector, providing the party has paid for the work. If payment is not forthcoming, the town will withhold the sum involved from the cash bond, plus any other sum needed to bring unsatisfactory work up to town codes. (1989 Code, § 12-210)

CHAPTER 3

RAILROAD GRADE CROSSINGS¹

SECTION

- 16-301. Where electrical warning devices required.
- 16-302. Signal to consist of light and gong.
- 16-303. Installation of signals.
- 16-304. Operation of signals.
- 16-305. Responsibility for signals and operation of trains at crossings.
- 16-306. Violations.

16-301. Where electrical warning devices required. All persons, firms, and corporations operating railroads within the corporate limits shall install and maintain electrical warning devices to signal the approach of trains on all grade crossings where the railroad lines cross the following public streets in the Town of Oliver Springs: Highway 61 and 62. (1989 Code, § 12-301)

16-302. Signal to consist of light and gong. At each of the above designated grade crossings the signal device shall consist of a flashing red light which shall show the word "STOP" when trains, engines, or rail cars are approaching said crossings. The said flashing light shall be of such size as to be clearly readable and legible at a distance of three hundred (300) feet. The signal device shall also cause a gong to sound concurrently with the flashing signal upon the approach of trains, engines, or cars at said grade crossings. The gong shall be clearly audible to pedestrians and vehicular traffic approaching said crossings to warn them of the approach of engines, trains, and rail cars to said crossings. (1989 Code, § 12-302)

16-303. Installation of signals. The warning signal devices provided for in this chapter shall be installed, operated, and maintained on each side of each railroad crossing and on the right edge of the street or highway as it approaches the grade crossing. The flashing light signal and the gong shall be affixed to a metal post ten (10) feet above the sidewalk level. The flashing light signal shall be approximately eight and one-half (8 1/2) feet above the sidewalk level. These signals shall be located not further than fifteen (15) feet away from the nearest railroad track. In the event that it is impracticable to install the warning signal in the location as provided in this section at any of the specified crossings, the town council may authorize a different location which will

¹Municipal code references

Drivers to stop at railroad grade crossings: § 15-504.

Other traffic regulations: title 15.

efficiently protect the public in the use of the grade crossings. Such authorization shall be in writing in the form of a resolution and placed upon the minutes of the proceedings of the town council. (1989 Code, § 12-303)

16-304. Operation of signals. The signal lights shall commence flashing and the gongs shall commence ringing when the lead engine, train, or rail car is not closer than three hundred (300) feet from the center line of the street at the grade crossing. The lights shall continue to flash and the gongs shall continue to ring until the train, engine, or rail cars have completely cleared the grade crossing. (1989 Code, § 12-304)

16-305. Responsibility for signals and operation of trains at crossings. The installation, erection, and maintenance of the signal devices herein prescribed shall be without expense to the town; provided further, that as an alternate to the section requiring signal lights at the Highway 61 and 62 Crossings, the Louisville and Nashville Railroad Company can stop the train at these intersections and put out flagmen and stop the vehicular traffic and proceed across the tracks. (1989 Code, § 12-305)

16-306. Violations. Any person who shall violate the provisions of this chapter shall be punishable under the general penalty clause for this code. (1989 Code, § 12-306)

CHAPTER 4

UNIFORM PROPERTY NUMBERING SYSTEM

SECTION

- 16-401. Uniform numbering system adopted.
- 16-402. Assignment of numbers.
- 16-403. Administration.
- 16-404. Violations.
- 16-405. Street names.
- 16-406. 911 Street names and numbers.

16-401. Uniform numbering system adopted. A uniform system of numbering properties and principal buildings, as shown on the E-911 map, which is filed in the office of the E-911 board, is hereby adopted for use in the Town of Oliver Springs, Tennessee. This map and all explanatory matter thereon is hereby adopted and made a part of this chapter. (Ord. #95-07-20, _____)

16-402. Assignment of numbers. (1) All properties or parcels of land within the corporate limits of Oliver Springs, Tennessee, shall hereafter be identified by reference to the uniform numbering system adopted herein. 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 six months from the date of passage of the provisions of this chapter.

(2) A separate number shall be assigned for each 50 feet of frontage in most parts of town and each 20 feet in the central business district as shown on the map.

(3) Even numbers shall be assigned on the east side of north-south streets and the north side of east-west streets. Odd numbers shall be assigned on the west side of north-south streets and the south side of east-west streets.

(4) A structure on a corner lot shall be assigned a number on the street it is facing. If it has two entrances which appear to both be "front" entrances, the number on the more significant street shall be assigned.

(5) Each individual business fronting on a public street shall be given a separate number. Doorways leading to several businesses or offices via a hallway or stairs shall be given a number.

(6) Multi-unit residential developments (mobile home parks, apartments, and duplexes unless they front on two different streets) shall be assigned different numbers.

(7) 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. (Ord. #95-07-20, _____)

16-403. Administration. (1) The E-911 board shall be responsible for maintaining the numbering system. In the performance of this responsibility, these persons shall be guided by the provisions of § 16-402 of this chapter.

(2) The E-911 board shall keep a record of all numbers assigned under this chapter. (Ord. #95-07-20, _____)

16-404. Violations. Violation of this chapter shall be a misdemeanor and may be punished in accordance with the general penalty clause for this code. (Ord. #95-07-20, _____)

16-405. Street names. No street will be named before it has been reviewed by the E-911 board, the Oliver Springs Planning Commission, and approved by the Oliver Springs Town Council. (Ord. #95-07-20, _____)

16-406. 911 Street names and numbers. All streets, and roadways, that are developed, constructed, owned, and maintained by private owners/ developers, that are traveled from time to time by the public shall be named and designated with proper approval and pursuant to § 16-405, installed at the owners expense with 911 street names and numbers prior to the city building inspector issuing a certificate of occupancy or use. (Ord. #98-01-10, Oct. 1998)