

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. NUMBERING OF BUILDINGS AND NAMING OF STREETS.
4. EXCAVATION SAFETY POLICY.

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.
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- 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. (1983 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 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. (1983 Code, § 12-102)

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. (1983 Code, § 12-103)

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.¹ (1983 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 city council. (1983 Code, § 12-105, modified)

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. (1983 Code, § 12-106)

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. (1983 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. (1983 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. (1983 Code, § 12-109)

16-110. Parades, etc., regulated. It shall be unlawful for any person, 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

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

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. (1983 Code, § 12-110, modified)

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 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. (1983 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. (1983 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 recorder is open for business, and said permit shall be retroactive to the date when the work was begun. (1983 Code, § 12-201, modified)

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

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 recorder within twenty-four (24) hours of its filing. (1983 Code, § 12-202, modified)

16-203. Fee. The fee for such permits shall be twenty dollars (\$20.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents (\$.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. (1983 Code, § 12-203, modified)

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 recorder 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 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 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. (1983 Code, § 12-204, modified)

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. (1983 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

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. (1983 Code, § 12-206, modified)

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 recorder 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. (1983 Code, § 12-207, 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, 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. (1983 Code, § 12-208, modified)

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. (1983 Code, § 12-209, modified)

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. 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 to separate said driveways. Driveway aprons shall not extend out into the street. (1983 Code, § 12-210, modified)

CHAPTER 3

NUMBERING OF BUILDINGS AND NAMING OF STREETS

SECTION

- 16-301. Building numbering system established.
- 16-302. Baseline streets established.
- 16-303. Building numbering standards.
- 16-304. Numbering of buildings facing streets not extending through baseline.
- 16-305. Street directional designations.
- 16-306. Application of building numbering system; posting notices.
- 16-307. Responsibility of the recorder to maintain building numbering system.
- 16-308. Penalty.
- 16-309. Naming of streets.

16-301. Building numbering system established. There is hereby established a uniform system for numbering buildings fronting on all streets, avenues, and public ways in the Town of Carthage, and all houses and other buildings shall be numbered in accordance with the provisions of this chapter. (1983 Code, § 12-301)

16-302. Baseline streets established. First Avenue will constitute the base line which will divide the town into northern and southern parts. Hereafter all streets north of this base line and running generally in a northerly-southerly direction shall be considered "north" streets, and likewise all streets south of this base line and running generally in a northerly-southerly direction shall be considered "south" streets. Main Street shall be considered the base line which divides the city into east and west parts. Hereafter streets east of this base line and running in a generally easterly-westerly direction shall be considered "east" streets and likewise streets west of Main Street and running in a generally "easterly-westerly direction" shall be considered "west" streets. Building numbers shall be established for said base line as follows:

(1) Each building north of First Avenue and facing a street running in a northerly direction shall carry a number indicating its location north of said base street.

(2) Each building south of the north-south base line and facing a street shall carry a number indicating its location south of said street.

(3) Each building east of Main Street and facing a street running in an easterly direction shall carry a number and address indicating its location east of said base street.

(4) Each building west of Main Street, and facing a street running in a westerly direction shall carry a number and address indicating its location west of said base street.

(5) All buildings on diagonal streets shall be numbered the same as buildings on northerly-southerly streets if the diagonal runs more from the north to the south, and the same rule shall apply on easterly and westerly streets if the diagonal runs more from the east to the west. (1983 Code, § 12-302)

16-303. Building numbering standards. The numbering of buildings on each street shall begin at the base line. All numbers shall be assigned on the basis of one number for each 50 feet of frontage along the street in residential areas and one number for each 15 feet of frontage along the street in the central business district. Grid lines, as shown on the property numbering map, indicate the point at which numbers will change from one hundred to the next higher hundred. All buildings on the south of east-west streets and east of north-south street shall bear odd numbers, and likewise all buildings on the north side of east-west streets and west of north-south streets shall bear even numbers. In addition:

(1) Where any building has more than one entrance serving separate occupants, a separate number shall be assigned to each entrance serving an occupant.

(2) The building shall be assigned the number of 50 or 15 foot intervals in which the main entrance of the building falls. In measuring the 50 or 15 foot intervals of street frontage, if the main entrance of the building falls exactly upon the line which divides a 50 foot or 15 foot interval from the next higher interval, either the number of the lower interval or the number of the next higher interval will be assigned to that entrance.

(3) A multiple family dwelling having only one main entrance shall be assigned only one number, and separate apartments in the building will carry a letter designation such as A, B, C, in addition to the number assigned to the main entrance building.

(4) The duplex houses having two front entrances shall have a separate number for each entrance. In the event that both entrances fall within the same increment, either the preceding number or next highest number shall be used for one entrance number, and the interval number in which the entrances fall shall be used for the other entrance. (1983 Code, § 12-303)

16-304. Numbering of buildings facing streets not extending through base line. All buildings facing streets not extending through the base line shall be assigned the same relative numbers as if the said street had extended to the said base line. (1983 Code, § 12-304)

16-305. Street directional designations. In addition to the numbers placed on each house or other building as heretofore provided, all streets, avenues and other public ways within the town are hereby given the following directional designations:

- (1) All streets east of Main Street and running in an easterly direction are given the direction east as part of the street name.
- (2) All streets west of Main Street and running in a westerly direction are given the direction west as a part of the street name.
- (3) The portion of Spring Street that extends south of the base line will be given the direction south as part of the street name. (1983 Code, § 12-305)

16-306. Application of building numbering system; posting notices. (1) All properties or parcels of land within the corporate limits of Carthage 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 six months from the date of passage of this chapter.

(2) Numerals indicating the official numbers for each principal building of 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. Such numerals may be obtained without charge from the recorder, as provided in § 16-307. (1983 Code, § 12-306)

16-307. Responsibility of the recorder to maintain numbering system. (1) The recorder shall be responsible for maintaining the numbering system. In the performance of this responsibility he shall be guided by the provisions of this section.

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

(3) The recorder shall issue to any property owners in Carthage upon request and without charge a set of numerals for each principal building or separate front entrance to such building. In doing so, he shall issue only numbers for the number assigned to such buildings under the provisions of this chapter. Provided, however, that the recorder may issue additional numerals in accordance with the official numbering system whenever a property has been sub-divided, a new front entrance opened, or undue hardship has been worked on any property owner. (1983 Code, § 12-307)

16-308. Penalty. Violations of this chapter shall be a misdemeanor and may be punished under the general penalty provision of this code. (1983 Code, § 12-308)

16-309. Naming of streets. By resolution the city council shall assign names to new streets, to streets with duplicate names, and to streets which do not bear the same name the full length of the street. (1983 Code, § 12-309)

CHAPTER 4

EXCAVATION SAFETY POLICY

SECTION

16-401. Purpose.

16-402. Trench excavations.

16-403. Safety precautions.

16-404. Other hazards.

16-401. Purpose. Trenching and excavation work poses serious risks to all workers involved. The primary hazard, however, for excavation workers, is from cave-ins. When cave-ins occur, they are much more likely to result in worker fatalities than other excavation-related accidents. The Town of Carthage has developed these policies and procedures and requires strict compliance to prevent or greatly reduce the risk of cave-ins as well as other excavation-related accidents.

The Occupational Safety and Health Administration (OSHA) requires that employees exposed to cave-in hazards be protected by

- (1) Sloping or benching the sides of the excavation,
- (2) By supporting the sides of the excavation, or
- (3) By placing a shield between the side of the excavation and the work area. (as added by Ord. #312, Jan. 2002)

16-402. Trench excavations. (1) Sloping. The safety and health of excavation workers can be ensured by effectively sloping the sides of a trench or excavation to an angle not steeper than one and one-half horizontal to one vertical (34 degrees measured from the horizontal). A slope of this gradation or less is considered safe for any type of soil.

All simple slop excavations of 16 feet or less in depth shall have a maximum allowable slope of 1 and 1/2:1. Any excavations of greater depth than 16 feet will be undertaken by an outside contractor.

(2) Trench boxes and shields. Trench boxes and shields designed or approved by a registered professional engineer, or based on data prepared or approved by a registered professional engineer, may be used to ensure the safety of excavation workers. Trench boxes may be constructed of timber, aluminum, or other suitable material as may be approved by a registered professional engineer.

(3) Responsibility. It shall be the responsibility of the town's public works supervisor or manager to ensure that all excavations, where city employees are carrying out the excavation, or a contractor employed by the city, are carried out using either the sloping or trench boxes and shield safety methods. Under no circumstances shall the supervisor or manager permit an excavation of more than four feet in dept without using proper sloping or trench

boxes and shields, unless the public works supervisor has determined that the excavation is made entirely in stable rock, is less than four feet deep, or an examination of the ground finds no indication of a potential cave-in. (as added by Ord. #312, Jan. 2002)

16-403. Safety precautions. (1) Stability of structures. Adjacent structures such as buildings, walls, sidewalks or pavements shall be shored, braced, or underpinned to ensure stability. Excavations shall not be undertaken below the level of the base or footing of any foundation or retaining wall unless

- (a) A support system such as underpinning is provided,
- (b) The excavation is in stable rock, or
- (c) A registered professional engineer determines that the structure is sufficiently removed from the excavation and that the excavation will not pose a hazard to employees.

Excavations under sidewalks and pavements are also prohibited unless an appropriately designed support system is provided.

(2) Installation and removal of protective systems. (a) Installing support systems shall be undertaken in accordance with the following procedures for the protection of employees:

- (i) Securely connect members of support systems,
- (ii) Safely install support systems,
- (iii) Never overload members of support systems, and
- (iv) Install other structural members to carry loads imposed on the support system when temporary removal of individual members is necessary.

(b) Excavations of 2 feet or less below the bottom of the members of a support or shield system of a trench may be undertaken if

- (i) The system is designed to resist the forces calculated for the full depth of the trench, and
- (ii) There are no indications, while the trench is open, of a possible cave-in below the bottom of the support system. Also, the installation of support systems must be closely coordinated with the excavation of trenches.

Upon completion of the work, the excavation should be back filled as the protective system is dismantled. After the excavation has been cleared, workers should slowly remove the protective system from the bottom up, taking care to release members slowly.

(3) Materials and equipment. The Town of Carthage is responsible for the safe condition of materials and equipment used for protective systems. Defective and damaged materials and equipment can result in the failure of a protective system and cause excavation hazards.

The public works supervisor or manager of the Town of Carthage must ensure that

- (a) Materials and equipment are free from damage or defects,

(2) Manufactured materials and equipment are used and maintained in a manner consistent with the recommendations of the manufacturer and in a way that will prevent employee exposure to hazards, and

(3) While in operation, damaged materials and equipment are examined by a competent person to determine if they are suitable for continued use. If materials and equipment are not safe for use, they must be removed from service. These materials cannot be returned to service without the evaluation and approval of a registered professional engineer. (as added by Ord. #312, Jan. 2002)

16-404. Other hazards. (1) Exposure to falls, falling loads, and mobile equipment. In addition to cave-in hazards and secondary hazards related to cave-ins, there are other hazards from which workers must be protected during excavation-related work. These hazards include exposure to falls, falling loads, and mobile equipment. To protect employees from these hazards, the public works supervisor or manager shall take the following precautions:

(1) Keep materials or equipment that might fall or roll into an excavation at least 2 feet from the edge of excavations, or have retaining devices, or both.

(2) Provide warning systems such as mobile equipment, barricades, hand or mechanical signals, or stop logs, to alert operators of the edge of an excavation. If possible, keep the grade away from the excavation.

(3) Provide scaling to remove loose rock or soil or install protective barricades and other equivalent protection to protect employees against falling rock, soil, or materials.

(4) Prohibit employees from working on faces of sloped or benched excavations at levels above other employees unless employees at lower levels are adequately protected from the hazard of falling, rolling, or sliding material or equipment.

(5) Prohibit employees under loads that are handled by lifting or digging equipment. To avoid being struck by any spillage or falling materials, require employees to stand away from vehicles being loaded or unloaded. If cabs of vehicles provide adequate protection from falling loads during loading and unloading operations, the operators may remain in them.

(2) Water accumulation. Employees are prohibited from working in excavations where water has accumulated or is accumulating unless adequate protection has been taken. If water removal equipment is used to control or prevent water from accumulating, the equipment and operations of the equipment must be monitored by a competent person to ensure proper use.

Diversion ditches, dikes, or other suitable means shall be used to prevent surface water from entering an excavation and to provide adequate drainage of

the area adjacent to the excavation. The supervisor of public works must inspect excavations subject to runoffs from heavy rains.

(3) Hazardous atmospheres. The public works supervisor or manager shall test excavations greater than 4 feet in depth as well as ones where oxygen deficiency or a hazardous atmosphere exists or could reasonably be expected to exist, before an employee of the city enters the excavation. If hazardous conditions exist, controls such as proper respiratory protection or ventilation must be provided. Controls used to reduce atmospheric contaminants to acceptable levels must be tested regularly.

Where adverse atmospheric conditions may exist or develop in an excavation, the employer also must provide and ensure that emergency rescue equipment, (e.g., breathing apparatus, a safety harness and line, basket stretcher, etc.) is readily available and attended when used.

When an employee of the town enters bell-bottom pier holes and similar deep and confined footing excavations, the employee must wear a harness with a lifeline. The lifeline must be securely attached to the harness and must be separate from any line used to handle materials. While the employee wearing the lifeline is in the excavation, an observer must be present to ensure that the lifeline is working properly and to maintain communication with the employee.

(4) Access and egress. The Town of Carthage must provide safe access and egress to all excavations. When employees are required to be in trench excavations 4 feet deep or more, adequate means of exit, such as ladders, steps, ramps or other safe means of egress, must be provided and be within 25 feet of lateral travel. If structural ramps are used as a means of access or egress, they must be designed by a professional engineer if used for employee access or egress, or a competent person qualified in structural design if used by vehicles. Structural members used for ramps or runways must be uniform in thickness and joined in a manner to prevent tripping or displacement. (as added by Ord. #312, Jan. 2002)