

## TITLE 16

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

#### CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. DRIVEWAYS AND DRAINAGE.
4. PROPERTY NUMBERING SYSTEM.

#### CHAPTER 1

### MISCELLANEOUS

#### SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades, etc., regulated.
- 16-111. Animals and vehicles on sidewalks.
- 16-112. Fires in streets, etc.
- 16-113. Street acceptance policy.

**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. (2003 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 fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (2003 Code, § 12-102)

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

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

It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, 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. (2003 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.<sup>1</sup> (2003 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 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. (2003 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 statute. (2003 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. (2003 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 including, but not limited to, failure to remove obstructions in any drainage ditch or placement or replacement of any drainage tile of inadequate size (in no event shall any drainage tile be less than twelve (12) inches in diameter). (2003 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

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<sup>1</sup>Municipal code reference

Building code: title 12, chapter 1.

remove all accumulated snow or ice from the abutting sidewalk. (2003 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 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. (2003 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 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. (2003 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. (2003 Code, § 12-113)

**16-113. Street acceptance policy.** To provide for the health, safety, and general welfare of the citizens of Church Hill and to insure adequate street rights-of-way and street improvement widths, no proposed street shall be accepted as a public street until it has met the street construction standards of the Subdivision Regulations of Church Hill, has been approved and recommended to the city by the Church Hill Planning Commission, and accepted by the board of mayor and aldermen. (2003 Code, § 12-114)

## CHAPTER 2

### EXCAVATIONS AND CUTS

#### SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Deposit or bond.
- 16-204. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-205. Restoration of streets, etc.
- 16-206. Insurance.
- 16-207. Time limits.
- 16-208. Supervision.

**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 the right-of-way there to 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, tile, or other underground facilities in or under the surface of any street or right-of-way there to may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the city recorder is open for business, and said permit shall be retroactive to the date when the work was begun. (2003 Code, § 12-201)

**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. (2003 Code, § 12-202)

**16-203. 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 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 city if the applicant fails to make proper restoration. (2003 Code, § 12-204)

**16-204. 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. (2003 Code, § 12-205)

**16-205. Restoration of streets, etc.** (1) As a condition of being permitted to do so, any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this city shall:

(a) Without unreasonable delay, back-fill any excavation or tunnel in or under any street, alley, or public place to the base of the pavement or a minimum of nine (9) inches below finished grade, whichever is greater, so as to conform the surface configuration of said street, alley, or public place to a condition ready for suitable and appropriate paving or other surfacing; and,

(b) Install any utility or other fixture with bedding and haunching material meeting generally accepted engineering standards, and back-filling any excavation or tunnel in or under any street, alley, or public place with appropriate materials, giving special consideration to the existence of clay or unstable soils, excessive groundwater or other unusual loading conditions. In no case shall any material other than as specified in the "Subdivision Regulations of the Church Hill, Tennessee, Regional Planning Commission" for trenches and back-fill (Article IV. A. 2. d. and e.) be used for back-filling unless approved in writing by the code enforcement officer:

(c) The surfacing shall be done or supervised by the city; if, the surfacing is done by the city the city shall be paid promptly upon

completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made.

(d) In case of unreasonable delay or use of inappropriate materials in restoring any excavation or tunnel in or under any street, alley, or public place:

(e) The code enforcement officer shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the city will perform the work and charge the expense of doing the same to such person, firm, corporation, association, or others; and,

(f) If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel.

(2) The recorder shall give notice of this section in writing to all utility providers within the corporate limits. (2003 Code, § 12-206)

**16-206. 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 shall not be less than three hundred thousand dollars (\$300,000.00) for bodily injury or death of anyone (1) person in anyone (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 anyone (1) accident, occurrence or act, and one hundred thousand dollars (\$100,000.00) for injury or destruction of property of others in anyone (1) accident, occurrence, or act. (2003 Code, § 12-207, modified)

**16-207. Time limits.** Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the city if the city restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the recorder. (2003 Code, § 12-208)

**16-208. Supervision.** The code enforcement officer shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the city and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (2003 Code, § 12-209)

## CHAPTER 3

### DRIVEWAYS AND DRAINAGE

#### SECTION

- 16-301. Purpose of chapter.
- 16-302. Installation of tile may be required.
- 16-303. Requirements for driveways.
- 16-304. Driveway regulations to be promulgated.
- 16-305. Property owner responsible for installing tile; lien on property if city does.
- 16-306. Drainage of wastes into streets prohibited.
- 16-307. Supplementary enforcement authority.

**16-301. Purpose of chapter.** The purpose of this chapter is to regulate the construction of driveways as herein defined so as to prevent insofar as possible the drainage of water and debris into the street of the city and to require the installation of drainage tile so as to prevent the deterioration and damage to said streets and to require proper and adequate drainage along street where necessary to prevent said damage. (2003 Code, § 12-301)

**16-302. Installation of tile may be required.** The mayor, or any official designated by him may, for the protection of the streets of the city, require the owner of any lot or any part of a lot in the city adjoining a public street to install tile or other carrier of water in the drainage ditch at any point where a driveway enters the street from such lot. The tile shall be of a reasonable size and material prescribed by the mayor or other designated official. (2003 Code, § 12-302)

**16-303. Requirements for driveways.** No driveway shall be constructed, reconstructed, improved, altered or changed unless it shall conform to the following requirements:

(1) The driveway shall not extend beyond the property line between the street and the private property adjoining.

(2) The driveway shall be so constructed that no part of the entrance thereof to the street shall be higher than the highest point nor lower than the lowest point in the paved portion of the street upon which it abuts.

(3) Each such driveway shall have installed, at that point where it adjoins the street right-of-way, a tile sufficient to carry the maximum amount of water anticipated, but in no event shall said tile be less than twelve (12) inches in diameter. Provided however, that this section shall not apply to a driveway at the crest of a hill where water will not drain from above. (2003 Code, § 12-303)

**16-304. Driveway regulations to be promulgated.** The mayor or his designated official shall promulgate, or cause to be promulgated, the rules and regulations governing construction, reconstruction, improvements, alterations, or change of driveways abutting upon municipal streets and the installation of tile or other carriers of water in any drainage ditch hereinabove referred to.

Before beginning any such construction, reconstruction, improvement, alteration, or change, the property owner shall obtain a permit to do so from the city recorder. The fee for such permits shall be fifteen dollars (\$15.00) each. Before such construction, reconstruction, improvement, alteration, or change is substantially completed, the property owner shall notify the city recorder of same. The city recorder shall cause an inspection thereof, and give final approval that such activity complies with the rules and regulations as noted above. The property owner shall be required to make whatever alterations and corrections are necessary and required by the city recorder prior to final approval being given for same. (2003 Code, § 12-304)

**16-305. Property owner responsible for installing tile; lien on property if city does.** The property owner of any lot abutting upon a municipal street must furnish the tile required by this chapter and install same at no cost to the city. In case the property owner shall refuse to so install said tile, the city, as an alternative and in the discretion of the mayor, or other designated official, may direct the recorder to give the owner of the abutting lot or lots written notice specifically setting forth the work to be done and the length of time in which same must be done provided that the time fixed thereby shall not be less than thirty (30) days. If the owner of said lot or lots shall thereafter fail or refuse to build or install said tiles or other carriers of water within the time required by said notice and in conformity with the provisions of this chapter and the rules and regulations promulgated by the mayor, or other designated official, the city may do the work or contract for doing same and pay the cost thereof out of the street funds. In the event that the work is done in this manner, all amounts paid by the city shall become a lien upon such lot or property and may be enforced by attachment at law or in equity or in any other manner provided by law and the amount may be recovered against said owner or owners by suit before any court of competent jurisdiction. The city attorney is authorized to proceed to enforce the lien declared and fixed by law under this chapter. (2003 Code, § 12-305)

**16-306. Drainage of wastes into streets prohibited.** All persons are prohibited from discharging any waste, refuse, garbage, or drainage water of any type, except surface rain water, into any street of the city. (2003 Code, § 12-306)

**16-307. Supplementary enforcement authority.** In addition to all other methods of enforcement authorized or described herein the city may

correct any violation hereof by making the installation necessary or correcting any construction, reconstruction, or alteration so as to make the same comply with the provisions of this chapter and may recover from the offending party, including the owner of the property and/or any lessee, tenant, contractor, or subcontractor, the actual amount expended by the city in correcting the violation or bringing the construction into conformity with the provisions of this chapter. The city is further empowered by injunction to restrain the discharge of waste or drainage water, excluding surface water, into the streets. (2003 Code, § 12-307)

## CHAPTER 4

### PROPERTY NUMBERING SYSTEM

#### SECTION

16-401. Uniform numbering system adopted.

16-402. Assignment and display of numbers.

16-403. Administration.

16-404. Violations.

**16-401. Uniform numbering system adopted.** A uniform system of numbering properties and principal buildings, as shown on the map identified by the title "Church Hill, Tennessee, Property Numbering System," which is filed in the office of the recorder, is hereby adopted for use in the City of Church Hill. This map and all explanatory matter thereon is hereby adopted and made a part of this chapter. (2003 Code, § 12-401)

**16-402. Assignment and display of numbers.** (1) All properties or parcels of land within the corporate limits of Church Hill shall hereafter be identified by reference to the uniform numbering system adopted herein and 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 (6) months after June 18, 1974.

(2) A separate number shall be assigned for each fifty (50) feet of frontage.

(3) Each principal building shall bear the number assigned to the frontage on which the front entrance is located.

(4) Numerals indicating the official numbers for each principal building or each front entrance to such building shall be posted in a manner so as to be visible from the street on which the property is located and shall be three (3) inches high. (2003 Code, § 12-402)

**16-403. Administration.** (1) The municipal building inspector shall be responsible for maintaining the numbering system. In the performance of this responsibility he shall be guided by the provisions of § 16-402.

(2) The building inspector shall keep a record of all numbers assigned under this chapter. (2003 Code, § 16-403)

**16-404. Violations.** Any violation of this chapter shall be a misdemeanor. (2003 Code, § 12-404)