

TITLE 16

STREETS AND SIDEWALKS, ETC.¹

CHAPTER

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2. EXCAVATIONS.
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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. Temporary banners and signs across streets and alleys restricted.
- 16-105. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-106. Littering streets, alleys, or sidewalks prohibited.
- 16-107. Obstruction of drainage ditches.
- 16-108. Abutting occupants to keep sidewalks clean, etc.
- 16-109. Overhead bridges, trestles, etc.
- 16-110. Animals and vehicles on sidewalks.
- 16-111. 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. (1991 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 over any street or alley at a height of less than fourteen feet (14') or over any sidewalk at a height of less than eight feet (8'). (1991 Code, § 16-102)

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1991 Code, § 16-103)

16-104. Temporary banners and signs across streets and alleys restricted.¹ 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 city manager after a finding that no hazard will be created by such banner or sign. (1991 Code, § 16-104)

16-105. 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. (1991 Code, § 16-105)

16-106. 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, yard waste, 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. (1991 Code, § 16-106, modified)

16-107. 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. (1991 Code, § 16-107)

16-108. 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. (1991 Code, § 16-108)

16-109. Overhead bridges, trestles, etc. It shall be unlawful for any person, firm, or corporation hereafter to construct, maintain or permit any overhead bridge, trestle or other structure on, over above or across any of the public streets or thoroughfares of the City of Clinton unless the city council has issued a permit therefor, and unless same is constructed in such a manner as to leave an unobstructed clearance space above the surface of said street or thoroughfare of at least thirteen feet (13') and unless same is so constructed that no pier, pillar or other support of such bridge, trestle or other structure will be

¹Municipal code reference

Comprehensive sign regulations: § 14-309.

placed in or on the traveled portion of such street or thoroughfare. (1991 Code, § 16-109)

16-110. 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. (1919 Code, § 16-110)

16-111. 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. (1991 Code, § 16-111)

CHAPTER 2

EXCAVATIONS¹

SECTION

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

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, including utility districts 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 city manager is open for business, and the permit shall be retroactive to the date when the work was begun. (1991 Code, § 16-201)

16-202. Applications. Applications for such permits shall be made to the city manager, 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

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).

approved by the city recorder within twenty-four (24) hours of its filing. (1991 Code, § 16-202)

16-203. Fee. The fee for such permits shall be in accordance with the City of Clinton building code fee schedule. (1991 Code, § 16-203, modified)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the city treasury a bond or cash equivalent. The deposit shall be determined based on the project as determined by the city building official and/or the city public works director in order to 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 city manager 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 city recorder a surety bond in such form and amount as the city building official and/or city public works director shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1991 Code, § 16-204, modified)

16-205. Safety restrictions on excavations. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1991 Code, § 16-205)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this city shall restore the street, alley, or public place to its original condition except for the surfacing, which shall be done by the city 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 city manager 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 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 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. (1991 Code, § 16-206)

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 city manager in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than one hundred thousand dollars (\$100,000.00) for each person and three hundred thousand dollars (\$300,000.00) for each accident, and for property damages not less than twenty-five thousand dollars (\$25,000.00) for any one (1) accident, and a seventy-five thousand dollar (\$75,000.00) aggregate. (1991 Code, § 16-207)

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 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 city manager. (1991 Code, § 16-208)

16-209. Supervision. The person designated by the city manager 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. (1991 Code, § 16-209)

CHAPTER 3

RAILROAD GRADE CROSSINGS

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.
- 16-306. Type of grade crossings required.

16-301. Where electrical warning devices required. All persons, firms, and corporations operating railroads within the corporate limits of the City of Clinton, Tennessee, shall install and maintain electrical warning devices to signal the approach of trains on all grade crossings where the rail road lines cross any public street in the City of Clinton, Tennessee. (1991 Code, § 16-401, modified)

16-302. Signal to consist of light and gong. At each of the above designated grade crossing 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 feet (300'). 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 crossing. (1991 Code, § 16-402)

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. The bell or gong shall be at the top of the metal post ten feet (10') above the sidewalk level. The flashing light signal shall be approximately eight and one-half feet (8 1/2') above the sidewalk level. These signals shall be located not further than fifteen feet (15') 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 city council may authorize a different location which will efficiently protect the public in the use of the grade crossing. Such authorization shall be in writing in the form of a resolution and placed upon the minutes of the proceedings of the city council. (1991 Code, § 16-403)

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 feet (300') 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. (1991 Code, § 16-404)

16-305. Responsibility for signals. The installation, erection, and maintenance of the signal devices herein prescribed shall be without expense to the City of Clinton, Tennessee. The signal devices shall be installed and maintained by each railroad where its lines intersect the public streets designated above. The railroad companies shall save the City of Clinton harmless from any and all claims, suits, actions, or other costs, damages, judgments, or losses incident to, or growing out of, or in any wise connected with the erection, maintenance and operation of the signal devices and appurtenances. (1991 Code, § 16-405)

16-306. Type of grade crossings required. On any grade crossing where a railroad crosses a public street within the City of Clinton which carries more than four thousand five hundred (4,500) vehicles per day, the grade crossing pad shall be constructed of heavy-duty rubber, polyethylene or similar material. The installation and maintenance of the railroad crossings herein described shall be the responsibility of each railroad, and shall be without expense to the City of Clinton. (1991 Code, § 16-407)