

## TITLE 16

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

#### CHAPTER

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2. EXCAVATIONS AND CUTS.
3. STREET ACCEPTANCE.
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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. Projecting signs and awnings, etc., restricted.
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- 16-110. Parades, etc., regulated.
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- 16-112. Animals and vehicles on sidewalks.
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**16-101. Obstructing streets, alleys, or sidewalks prohibited.** No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (Ord. #80-7, Feb. 1980)

**16-102. Trees projecting over streets, etc., regulated.** It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley at a height of less than fourteen

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

(14) feet or over any sidewalk at a height of less than eight (8) feet. (Ord. #80-7, Feb. 1980)

**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. (Ord. #80-7, Feb. 1980)

**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. (Ord. #80-7, Feb. 1980)

**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 governing body after a finding that no hazard will be created by such banner or sign. (Ord. #80-7, Feb. 1980)

**16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law. (Ord. #80-7, Feb. 1980)

**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. (Ord. #80-7, Feb. 1980)

**16-108. Obstruction of drainage ditches.** It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (Ord. #80-7, Feb. 1980)

**16-109. Abutting occupants to keep sidewalks clean, etc.** The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (Ord. #80-7, Feb. 1980)

**16-110. Parades, etc., 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. (Ord. #80-7, Feb. 1980)

**16-111. Operation of trains at crossings regulated.** No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law; nor shall he make such crossing at a speed in excess of twenty-five (25) miles per hour. It shall be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (Ord. #80-7, Feb. 1980)

**16-112. Animals and vehicles on sidewalks.** It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (Ord. #80-7, Feb. 1980)

**16-113. 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. (Ord. #80-7, Feb. 1980)

**16-114. Penalty.** The violation of any section or provision of this chapter shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation. (Ord. #80-7, Feb. 1980)

## CHAPTER 2

### EXCAVATIONS AND CUTS<sup>1</sup>

#### 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.
- 16-211. Penalty.

**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. (Ord. #80-7, Feb. 1980)

**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

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<sup>1</sup>State 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).

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. (Ord. #80-7, Feb. 1980)

**16-203. Fee.** The fee for such permits shall be two dollars (\$2.00) 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. (Ord. #80-7, Feb. 1980)

**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 mayor 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. (Ord. #80-7, Feb. 1980)

**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. (Ord. #80-7, Feb. 1980)

**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 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 by such person, firm, corporation, association, or others promptly upon the completion of the work 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 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. (Ord. #80-7, Feb. 1980)

**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. (Ord. #80-7, Feb. 1980)

**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 recorder. (Ord. #80-7, Feb. 1980)

**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 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. (Ord. #80-7, Feb. 1980)

**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. Driveway aprons shall not extend out into the street. (Ord. #80-7, Feb. 1980)

**16-211. Penalty.** The violation of any section or provision of this chapter shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation. (Ord. #80-7, Feb. 1980)

## CHAPTER 3

### STREET ACCEPTANCE

#### SECTION

- 16-301. Procedure.
- 16-302. Improvement of standards.
- 16-303. Costs.
- 16-304. Notification of acceptance.

**16-301. Procedure.** No street shall be accepted into the city's public street system unless the street proposed for acceptance has first been reviewed by the Friendsville Municipal Planning Commission (FMPC), as required by Tennessee Code Annotated, § 13-4-104, and thereafter accepted into the city's public street system by vote of the Friendsville Board of Mayor and Commissioners (FBMC), except that, in accordance with the provisions of Tennessee Code Annotated, § 13-4-104, no street which has received a negative recommendation from the FMPC shall be accepted into the city's public street system unless a majority of the entire membership of the FBMC votes to accept such a street into the public street system.

(1) New subdivision streets. The approval of the FMPC of a final plat and/or release of a bond or other form of security upon completion of a street shown on a final subdivision plat shall be deemed as a recommendation from the FMPC to the FBMC that such street should be accepted into the public street system.

(2) Existing private streets or new streets not part of a subdivision. Prior to making a recommendation to the FBMC regarding acceptance of such streets into the public street system, the FMPC shall require the following items to be submitted to it for review:

(a) A survey plat, prepared by a licensed surveyor or engineer showing the boundaries of the proposed right-of-way and the identification of properties having frontage on such right-of-way.

(b) A report from a licensed civil engineer or an approved street-testing firm as to the construction of the street and its current condition.

(c) A petition bearing the names and addresses of all persons owning property fronting on a proposed public street and an indication of whether they support the city's acceptance of such street into the public street system. (Ord. #89-4, April 1989)

**16-302. Improvement standards.** (1) New subdivision streets. New subdivision streets shall meet the improvement standard for the particular classification of street as set out in the Friendsville Subdivision Regulations, or as may otherwise have been set by the FMPC during the plat review/approval process.

(2) Existing private streets or new streets not part of a subdivision. Existing private streets or new streets not part of a subdivision which are proposed for acceptance into the city's public street system shall meet the improvement standard for the particular classification of street as set out in the Friendsville Subdivision Regulations, except that, the FBMC may accept a street not meeting these standards or may require a street proposed for acceptance to meet a higher improvement standard if it is found that such acceptance would serve to protect or enhance the general health, safety, and welfare of the citizenry of Friendsville. (Ord. #89-4, April 1989)

**16-303. Costs.** Any costs incurred for surveying, engineering, materials, construction, or legal counsel by any person or persons seeking to have a street accepted into the city's public street system shall be the responsibility of such parties unless otherwise agreed to by the FBMC. (Ord. #89-4, April 1989)

**16-304. Notification of acceptance.** The FBMC shall notify the FMPC each time it acts to accept a street into the public street system so that it may correct all official city maps and records, as may be necessary. (Ord. #89-4, April 1989)

## CHAPTER 4

### STREET NAMING

#### SECTION

- 16-401. Official street name map.
- 16-402. Name designation for new roads.
- 16-403. Street identification signs.
- 16-404. Amendments.

**16-401. Official street name map.** The map entitled, "Street Index Map, City of Friendsville, November, 1988," shall be the official street name map of the city and shall only be amended in accordance with the provisions of this chapter. (Ord. #89-2, March 1989)

**16-402. Name designation for new roads.** No new road shall be added to the street index map until the proposed street name has been reviewed by the Friendsville Municipal Planning Commission and the street has been formally accepted into the city's public street system. Names for new streets shall meet the following criteria:

(1) No new street shall bear the name of an existing street, unless such new street is an obvious extension of an existing street; nor, shall a new street bear a name that so closely resembles the name of an existing street so as to cause confusion for emergency vehicles or the traveling public.

(2) The road designations set out below shall be used to determine the "suffixes" (street, lane, etc.) for each new street:

(a) "Avenue"- runs in a generally east/west direction.

(b) "Street"- runs in a generally north/south direction.

(c) "Lane" - cul-de-sac (permanent dead-end roadway\*) running in a generally east/west direction.

(d) "Court"- cul-de-sac (permanent dead-end roadway\*) running in a generally north/south direction.

(e) "Circle"- any circular, semi-circular, or loop street.

(f) "Road" - roadways that traverse a large portion of the city and/or extend into the unincorporated county or other governmental jurisdictions.

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\*Permanent dead-end roadway is defined as a roadway having a permanent turn-around; or where no such permanent turn-around exists, it is determined that the land beyond the end of the roadway has no potential for further development in the foreseeable future (steep grade, flood or natural drainage area, deed restrictions or covenants, etc.).

(g) "Highway" - generally a state or federal roadway.  
(Ord. #89-2, March 1989)

**16-403. Street identification signs.** Persons constructing or extending roads shall be responsible for installing approved street identification signs at the intersection of such new streets with existing streets. It shall be unlawful to remove or alter a street sign, except as may be required to bring such signs existing prior to the effective date of this chapter into compliance with the street names shown on the official street name map. (Ord. #89-2, March 1989)

**16-404. Amendments.** Amendments to this chapter and/or the official street index map shall not become effective until the Friendsville Municipal Planning Commission has reviewed the proposed amendment and presented a recommendation to the board of commissioners regarding such proposed amendment. (Ord. #89-2, March 1989)

## CHAPTER 5

### ACCESS TO PUBLIC STREETS

#### SECTION

16-501. Purpose and intent.

16-502. General provisions.

16-503. Driveway or street entrance location and construction standards.

16-504. Penalty.

**16-501. Purpose and intent.** These regulations are designed:

(1) To protect and promote the safety of the traveling public while providing for adequate access of individual properties to the public streets in the city; and,

(2) To allow for the proper coordination of new public or private streets with the city's major road plan. (Ord. #91-01, May 1991)

**16-502. General provisions.** In no case shall any person, business, institution, or governmental agency:

(1) Construct a new entrance or alter an existing entrance to private property from or across public streets and right-of-ways; nor,

(2) Connect a new or existing public or private street, road, or easement to or across any public street or right-of-way lying within the corporate limits of the City of Friendsville, Tennessee, without obtaining the approval of the Friendsville Municipal Planning Commission (FMPC) or that of another body or individual to which the FMPC may designate its authority to act in these matters. (Ord. #91-01, May 1991)

**16-503. Driveway or street entrance location and construction standards.** In deciding upon requests for access onto and across public street right-of-ways within the city, the FMPC shall rely upon provisions relating to access control contained within the zoning ordinance, subdivision regulations, and major road plan, and upon improvement standards generally accepted in the community as appropriate to the particular situation under consideration. (Ord. #91-01, May 1991)

**16-504. Penalty.** Any person, business, institution, or governmental agency found to be in violation of any provision of this chapter shall be subject to penalties prescribed by law. (Ord. #91-01, May 1991)

## CHAPTER 6

### PROPERTY NUMBERING

#### SECTION

- 16-601. Official property numbering map.
- 16-602. Official property numbering system.
- 16-603. Assignment of property numbers.
- 16-604. Special numbering situations.
- 16-605. Application and placement of identifying numbers.
- 16-606. Exceptions.
- 16-607. Administration.
- 16-608. Compliance.
- 16-609. Amendments.
- 16-610. Penalties.

**16-601. Official property numbering map.** The map entitled, "Property Numbering Map, City of Friendsville, April, 1989," shall be the official property numbering map of the city and shall only be amended in accordance with the provisions of this chapter. (Ord. #89-5, April 1989)

**16-602. Official property numbering system.** The system by which the official property numbering map was developed and by which newly constructed or annexed roads are to be numbered is as follows:

- (1) Base lines. (a) The east-west base line shall be College Avenue.  
 (b) The north-south base line shall be Farnum Street/Miser Station Road.  
 (c) The point of intersection of the two lines shall be the axis point from which all grids shall be drawn and numbered.
- (2) Grid lines. (a) Due to topography, curvilinear roads, and "diagonal" orientation of the base lines, the grid lines will not be uniformly located nor oriented in a true north-south or east-west direction.  
 (b) Each grid line shall be numbered in progression of 100's "outward" from the axis point.  
 (c) Streets which cross the base lines shall bear the additional designation of north or south and east or west.

(3) Property number intervals. All streets shall have a property number assigned for each 52.8' of street frontage. (Ord. #89-5, April 1989)

**16-603. Assignment of property numbers.** Numbers shall be assigned to each 52.8' frontage interval in the following manner:

When beginning at the point of the numerically smallest block range on a street (which most often will be the 100 range) and traveling

from that point in the direction of the end of the street, even numbers shall be assigned to the right side of the street (usually the north or east side) and odd numbers shall be assigned to the left side of the street (usually the south or west side of a street). (Ord. #89-5, April 1989)

**16-604. Special numbering situations.** (1) Apartment complexes. Multi-family housing containing three or more dwelling units in one or more buildings shall be assigned the number of the interval closer to the primary entrance on "center" of the building or complex, whichever seems the more logical choice. Units and buildings within such structures and complexes shall have an additional unit or building number or similar additional identification. The frontage interval number along with this additional identification shall form the address for individual units with such buildings or complexes.

(2) Mobile home parks. Mobile home parks (parks under one ownership, lots rented) shall be numbered in the same manner as apartment complexes.

(3) Commercial structures, shopping centers. Structures in commercial areas shall be numbered by the 52.8' interval system. However, structures containing more than one business, shall be assigned the number of the interval closer or closest to the primary entrance or "center" of the structure, whichever seems the more logical choice. Businesses located within a structure, such as a shopping center shall bear the chosen interval number and a suite number or similar additional identification. The frontage interval number along with this additional identification shall form the address for individual businesses within such structures or centers.

(4) Duplexes, structures located behind other structures. Other special situations, such as duplexes, buildings in the rear of a lot, etc., shall be assigned a separate property number, where possible. When this is not possible, the same number with different letters may be used.

(5) Structures on private streets. Structures located along a private street or drive shall not receive individual property numbers. The street shall be assigned a number based on the interval system, and structures located on the street shall bear the same number and an additional number indicating its location along such street and shall together form the address for each structure on such street. (Ord. #89-5, April 1989)

**16-605. Application and placement of identifying numbers.** (1) All structures within the city which are used as places of residence, for activities of commerce, or educational, religious, and similar activities shall be identified by a unique address determined in accordance with §§ 16-603 and 16-604 of this chapter.

(2) The assigned property number shall be placed upon the portion of the structure and/or within any yard area which is adjacent to or in close proximity to the primary entrance of such structure; and shall be of a size and

a type that is readable from the adjacent right-of-way. A mailbox may be used to fulfill this requirement if it can clearly be identified as serving only the structure which number it bears and is located on the same side of the street as such structure. A mailbox located on the opposite side of the street from the structure it serves or grouped with other mail boxes in one area for ease of mail delivery shall not be considered to meet the structure identification provisions of this chapter. In such cases, the property number must be displayed on the structure or in the yard and readable from the adjacent right-of-way. (Ord. #89-5, April 1989)

**16-606. Exceptions.** All provisions of the numbering system shall apply to properties along the following streets with the exception of the manner of determining the point from which numbers are assigned:

(1) U.S. 321. The block number ranges along U.S. 321 shall continue in increasing numerical order from the last number range in the county where it abuts with the eastern corporate limits westward to the western corporate limits.

(2) West and East Vinegar Valley Roads. West and East Vinegar Valley Roads shall be numbered beginning with the 100 block range at Miser Station road within the corporate limits in increasing numerical order to its point of intersection with Lane Drive. (Ord. #89-5, April 1989)

**16-607. Administration.** The Friendsville Board of Commissioners shall be responsible for implementing and administering the city's official property numbering system. (Ord. #89-5, April 1989)

**16-608. Compliance.** Within sixty (60) days of receiving notification regarding the assignment of a property number, the owner, occupant, or person in charge of any structure, or part thereof, shall post the assigned property number in the manner set forth in § 16-606 of this chapter. Any number or other designations in conflict with the assigned address shall be removed. (Ord. #89-5, April 1989)

**16-609. Amendments.** Amendments to this chapter and/or the official property numbering map shall not become effective until the Friendsville Municipal Planning Commission has reviewed the proposed amendment and presented a recommendation to the board of commissioners regarding such proposed amendment. (Ord. #89-5, April 1989)

**16-610. Penalties.** Violations of the provisions of this chapter shall be deemed a misdemeanor and may be punished by a fine of \$1.00 to \$5.00. Each day such a violation is continued shall constitute a separate offense and may be fined as such. (Ord. #89-5, April 1989)