

## TITLE 16

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

#### CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.

#### 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. Obstruction of drainage ditches.
- 16-108. Abutting occupants to keep sidewalks clean, etc.
- 16-109. Permits for parades.
- 16-110. Animals and vehicles on sidewalks.
- 16-111. Fires in streets, etc.
- 16-112. Playing ball, etc., in streets, etc.
- 16-113. Wooden culverts prohibited.

**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. (1982 Code, § 12-102)

**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 feet (14') or over any sidewalk at a height of less than eight feet (8'). (1982 Code, § 12-103)

**16-103. Trees, etc., obstructing view at intersections prohibited.** It shall be unlawful for any property owner or occupant to have or maintain on

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<sup>1</sup>Municipal 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. (1982 Code, § 12-104)

**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> (1982 Code, § 12-105)

**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 after a finding that no hazard will be created by such banner or sign. (1982 Code, § 12-106)

**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. (1982 Code, § 12-107)

**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. (1982 Code, § 12-108)

**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. (1982 Code, § 12-109)

**16-109. Permits for parades.** (1) The City of Hohenwald recognizes the constitutional right of every citizen to harbor and express beliefs on any subject whatsoever and to associate with others who share similar beliefs. The city passes this section not to affect the content of any group's beliefs or to suppress the speech of unpopular groups, but designed to apply to all groups equally (regardless of the content of the groups' beliefs) in promotion of establishing reasonable standards under which parades and other events may take place on the streets of the City of Hohenwald. The City of Hohenwald has limited financial resources and limited manpower to deal with such events, and accordingly places these restrictions on the time, place, numbers of participants

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<sup>1</sup>Municipal code reference  
Building code: title 12, chapter 1.

or units, and manner of speech allowed at such events to assure the safety and the public welfare of its citizens, and to minimize traffic and business interruptions during the parade or event.

(2) Any person or group who desires to conduct a parade involving two (2) or more vehicles on the streets of this city, shall make application to the city recorder, for a permit authorizing such activity, and no such parade shall be conducted without first receiving such permit. Upon submission of an application for parade or other event complying with all the requirements of this section, the city recorder shall place the request for a parade/meeting permit on the agenda of the next meeting of the city council for action by it in the normal course of business. If approved by the council, the city recorder shall issue a parade or meeting permit on the form adopted by the city for that purpose. A parade permit shall be required for any person or group to hold any meeting, parade, demonstration, exhibition or other event on the public streets of the City of Hohenwald. Any parade, meeting, demonstration, exhibition or event held without proper parade permit shall be unlawful.

(3) Any person or group seeking a parade permit shall make application to the city recorder in writing on the form required by the City of Hohenwald at least forty-five (45) days prior to the contemplated parade date(s) or event(s). No permit shall be granted sooner than one hundred eighty (180) days prior to such contemplated parade date(s) or event(s). The application for a parade permit shall specify the time and date, setting out the number of vehicles and/or units, the number of marchers or participants, the purpose of and sponsorship of the activity, and the area(s) to be utilized and/or the route desired. The city recorder in cooperation with the chief of police shall have the authority to designate starting point, route, and terminal point as deemed proper in consideration of the minimum interruption of traffic flow, and the same shall be specified in the permit.

(4) No permit shall be granted to any person or group, when conflicting events and parades have already been approved by the City of Hohenwald under this section, or a predecessor section of the municipal code.

(5) Permits will be granted to the person or group first applying under a proper application meeting the requirements of this section.

(6) No permit shall be granted for a parade or other event, except those restricted to the following time:

(a) No event earlier than 7:00 A.M. (CST);

(b) No event later than 11:00 P.M. (CST).

(7) No permit shall be granted for a parade or other event except those restricted to the following places: No parade or event shall be held in any residential neighborhood classified as high density, medium density or low density residential.

(8) No permit shall be granted to any individual or group until such applicant shall post, in advance, a bond to cover the reasonable expense incurred in clean up efforts under the event. The amount of this bond shall be two

hundred fifty dollars (\$250.00) per permit request. In addition, the applicant shall agree to hold the city harmless from personal injury and property damage.

(9) No person or group will be restricted in access to the public parks and recreation facilities of the city; however, sleeping or camping out in such parks and recreation facilities is prohibited.

(10) The City of Hohenwald shall revoke any parade permit to any individual or group based on anticipation of violence being instigated or riots incited by the group under circumstances when there is a clear and present danger of imminent lawless activity. During the parade or other event, the City of Hohenwald shall revoke any parade permit to any individual or group if violence, disorderly conduct, riots, lawless activity, or other breaches of the peace occur incited by such individuals or groups or if there is a clear and present danger of imminent lawless activity. The city may revoke a parade permit during the parade and terminate all activities thereunder if the individual or group obtaining such parade permit uses obscenities during a parade in violation of any federal, state or local law or ordinance or engages in any lewd, obscene, profane speech, conduct or acts prohibited by law. The city may revoke a parade permit during the parade and terminate all activities thereunder if the individual or group obtaining such parade permit engage in insulting or fighting words (those which by their very utterance inflict injury or tend to incite an immediate breach of the peace, or face-to-face words plainly likely to cause a breach of the peace by the addressee of such words, or threats likely to cause violence or disorderly conduct).

(11) The term "parade" (singular or plural) shall be defined to include any meeting, parade, demonstration, exhibition, festival, homecoming, or other such event to be held on the streets of public areas of the City of Hohenwald. This definition is not all-inclusive. (Ord. #473, Aug. 1990, modified)

**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 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. (1982 Code, § 12-112)

**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. (1982 Code, § 12-113)

**16-112. Playing ball, etc., in streets, etc.** It shall be unlawful for any person or persons to play ball games or other types of games upon the streets or sidewalks of the city which would endanger the lives of such participants, or would in any way impede either automobile or vehicular traffic or pedestrian traffic on the sidewalks. (1982 Code, § 12-114)

**16-113. Wooden culverts prohibited.** The construction, maintenance, or placement of wooden culverts at driveways or across streets, upon the right-of-way of any street within the City of Hohenwald is expressly prohibited. Only concrete or corrugated metal drains or culverts will be allowed at such points. (1982 Code, § 12-115).

## CHAPTER 2

### EXCAVATIONS AND CUTS

#### 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. (1982 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. (1982 Code, § 12-202)

**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 feet (25') 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. (1982 Code, § 12-203)

**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 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. (1982 Code, § 12-204)

**16-205. Manner of excavating--barricades and lights--temporary sidewalks.** Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1982 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 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. (1982 Code, § 12-206)

**16-207. Insurance.** In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the 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 any one (1) person in any one (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 any one (1) accident, occurrence or act, and one hundred thousand dollars (\$100,000.00) for injury or destruction of property of others in any one (1) accident, occurrence, or act. (1982 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 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. (1982 Code, § 12-208)

**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. (1982 Code, § 12-209)

**16-210. Driveway curb cuts.** No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the 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 feet (35') 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 feet (10') in

width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1982 Code, § 12-210)