

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. STREET LIGHT 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.
- 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. Operation of trains at crossings regulated.
- 16-112. Animals and vehicles on sidewalks.
- 16-113. Fires in streets, etc.

16-101. Obstructing streets, alleys, or sidewalks prohibited. (1) 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. This section shall apply to that part of State Route 34 maintained by the city. This section shall have no application to special events planned by the city and/or merchants organizations.

(2) Merchants organizations planning and promoting special events shall notify the chief of police in writing at least two weeks prior to occupying any portion of any public street. A written permit is required from the chief of police. (1996 Code, § 12-101)

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

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 (14) feet or over any sidewalk at a height of less than eight (8) feet. (1996 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 his property any tree, hedge, billboard, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1996 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 and the zoning ordinance.¹ (1996 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 after a finding that no hazard will be created by such banner or sign. (1996 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. (1996 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. (1996 Code, § 12-107)

¹Municipal code reference

Building code: title 12, chapter 1.

Zoning ordinance: title 14, chapter 2.

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. (1996 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. (1996 Code, § 12-109)

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. (1996 Code, § 12-110)

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. 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. (1996 Code, § 12-111, modified)

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. (1996 Code, § 12-112)

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. (1996 Code, § 12-113)

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Bond or letter of credit.
- 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. Other damage to city streets.

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 written 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 written permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a written permit on the first regular business day on which the office of the director of public works is open for business, and said written permit shall be retroactive to the date when the work was begun. (1996 Code, § 12-201)

16-202. Applications. Applications for such written permits shall be made to the director of public works, 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

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).

done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. The application and permit shall be considered an "agreement" between the city and the person, firm, corporation, association, or other. (1996 Code, § 12-202)

16-203. Fee. The fee for such permits shall be ten dollars (\$10.00) 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. (1996 Code, § 12-203)

16-204. Bond or letter of credit. No permit shall be issued unless and until the applicant has deposited with the city recorder a bond, running bond, or letter of credit in favor of the city, in an amount to be determined by the director of public works, that is adequate to cover the cost of restoration. No excavation project may be deemed completed until inspected and approved by the director of public works or his designee. Should the street repair not pass inspection, the director of public works shall notify the person, firm, corporation, association, or others that they have 10 days to make the necessary repairs. In the event that the repairs are not approved, within the 10 day time limit, the city will have the repairs made, with the expense of the repairs charged against the bond or letter of credit. (1996 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. (1996 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. In case of unreasonable delay in restoring the street, alley, or public place, the director of public works shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within twenty-four (24) hours, 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. Failure to pay the cost of the repair within 10 days will result in the city charging the cost against the bond or letter of credit. (1996 Code, § 12-206)

16-207. Insurance. In addition to making the bond or letter of credit 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 determined by the director of public works 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 \$200,000 for each accident, and for property damages not less than \$50,000, with an aggregate of \$100,000 for all accidents. (1996 Code, § 12-207)

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. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the director of public works. (1996 Code, § 12-208)

16-209. Supervision. The director of public works, or such other person as he may designate, shall 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. (1996 Code, § 12-209)

16-210. Other damage to city streets. It shall be unlawful for any person, firm, corporation, association, or others to damage city streets. Any person, firm, corporation, association, or others determined to have damaged city streets, including sidewalks and curbs, shall be given notice of the damage and a reasonable opportunity to restore the street to its original condition. Failure to make the necessary repair will result in the city making the repair and billing the offender for payment of the damage. The public works director is authorized to make repairs without notice where, in his judgment, the damage constitutes an emergency situation and is a safety hazard for the motoring public. (1996 Code, § 12-210)

CHAPTER 3

STREET LIGHT POLICY

SECTION

16-301. Purpose.

16-302. Location within the city only.

16-303. Location of lights.

16-304. Exceptions.

16-305. New installations.

16-301. Purpose. The following is hereby adopted as the policy for the location and installation of street lights. (1996 Code, § 12-301)

16-302. Location within the city only. Street lights paid for by the city shall be located within the corporate limits only. (1996 Code, § 12-302)

16-303. Location of lights. Street lights will be provided in residential and commercial areas according to the following:

(1) Street lights shall not be placed closer than two hundred (200) feet apart or every other utility pole.

(2) Street lights shall be used to light streets only, except such lights may be placed in publicly owned parking lots and around city owned buildings and facilities.

(3) Street lights shall face the street on which they are located.

(4) Street lights shall not be provided on privately owned streets or private property. (1996 Code, § 12-303)

16-304. Exceptions. The chief of police may request a street light not in conformance with § 16-303(1), (2), or (3) if such light is within a high crime area or high traffic hazard location. Such request must be approved by the city council. (1996 Code, § 12-304)

16-305. New installations. Installation of new street lights will be made by Appalachian Electric Cooperative only through a standard work request signed by the city manager. (1996 Code, § 12-305)