

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. SIGNS IN RIGHTS-OF-WAY.
3. LINES OF SIGHT AT INTERSECTIONS.

CHAPTER 1

MISCELLANEOUS

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16-101. Definitions. The following definitions shall apply in the construction of this chapter, unless indicated to the contrary:

(1) "Curb." The word "curb" shall apply to that construction parallel to and adjoining the edge of the paving of the roadway surface of the street definitely marking the limits of that portion of the street to be used by vehicular traffic.

(2) "Driveway." The word "driveway" shall apply to that portion of the street lying between the curbline of the street and the property line of the street used for ingress and egress by vehicles to property adjoining the street.

¹Municipal code reference

Motor vehicles, traffic, and parking: title 15.

(3) "Gutter." The word "gutter" shall apply to that construction adjoining the curb and forming a part of the street surface used by vehicles and the primary function of which is to provide surface drainage along the street.

(4) "Sidewalk." The word "sidewalk" shall apply to that portion of the street designated for pedestrian use.

(5) "Street." The word "street" shall apply to all public thoroughfares within the corporate boundary limits of the city, such as alleys, avenues, boulevards, highways and streets, and shall include all that portion of the public way from property line to property line dedicated to the public use, and includes sidewalks, driveways, grassplots, curbs, and that portion of the street used by vehicles. (1969 Code, § 20-1)

16-102. Permit to construct or repair sidewalk, driveway, curb or gutter. No person shall construct any sidewalk, driveway, curb, or gutter or change or repair the same on the streets of the city, without having first applied for and received a permit from the city manager authorizing such construction, change or repair. The application for the permit shall adequately describe the proposed construction, change or repair and the permit issued by the city manager shall also designate the extent to which and the conditions under which such construction, change or repair is authorized. No construction, barricades or driveways, temporary or permanent, shall be placed in the gutter or on the sidewalk, except as may be permitted by the city manager by the issuance of the permit provided for herein. (1969 Code, § 20-2)

16-103. Permit required for street cuts; application for permit. It shall be unlawful for any person to dig up the streets of the city for the purpose of connecting gas or water or other pipes under the street or for any other purpose, without first obtaining a permit so to do from the city manager. Application for such a permit shall be filed with the city manager and shall state the time and place where such excavation or opening is to be made and the character and purpose of the excavation or opening. (1969 Code, § 20-3)

16-104. Bond required for street cuts. Before issuing a permit required by § 16-103, the city manager shall require the person applying therefor to furnish either a cash bond or a corporate surety bond in the amount of the total cost of the work to be done, conditioned upon the completion of the work for which a permit is requested in accordance with the plans and specifications prescribed by the city manager or his or her authorized representative for the construction of such work. (1969 Code, § 20-4)

16-105. Plans and specifications for street cuts. All street openings and excavations shall be done according to the plans and specifications prescribed by the city manager or his or her authorized representative for all such work, which plans and specifications shall be on file in the office of the city

manager or his or her authorized representative. Such plans and specifications shall also accompany each permit issued under this chapter authorizing street openings or excavations. Refusal to construct any street openings, excavations or alterations in accordance with such plans and specifications shall be grounds for refusal of the permit required by this chapter. (1969 Code, § 20-5)

16-106. Installation of driveway approaches by city. Upon request of any owner or occupier of premises adjacent to a street, the city manager is authorized to use city forces and equipment in the removal of curbs and the installation of the approach across the gutter for entry to a driveway, for fee to be paid by the person requesting the work, as established by the city council. (1969 Code, § 20-6)

16-107. Median cuts by city. When a median cut has been authorized as provided in this chapter, the city manager is authorized to use city forces and equipment in making such cut, when requested by any owner or occupier of premises adjacent to the streets where such cut is being made, or when requested by the person who has obtained the authorization for the median cut, and the city manager will perform such work and recover the costs thereof from the person requesting and receiving the services. (1969 Code, § 20-7)

16-108. Removal of building materials from gutters. In the event that any person performing or having work done under a permit issued under this chapter places, in the gutters of the streets, any concrete, asphalt or other road building materials in such a manner as to interfere with the primary function of such gutter in providing surface drainage along the street, it shall be the duty of the city manager to notify the person responsible therefor, in writing, that the same must be removed within ten (10) days and that upon failure so to do, the city manager will bring about the removal of such obstruction and assess the total cost of such removal to the person responsible for such obstruction. (1969 Code, § 20-8)

16-109. Use of streets for selling goods, wares and merchandise from vehicles. It shall be unlawful for any person to use and maintain any wagon, automotive vehicle or any other type of conveyance on any street or thoroughfare in the city as a base of operation for making direct sales and delivering goods, wares or merchandise to purchasers. Nothing herein contained shall be construed as preventing the use of such vehicles on the streets for the purpose of delivering merchandise to purchasers or prospective purchasers, if such sale or delivery is not made within the street or thoroughfare. (1969 Code, § 20-9)

16-110. Owners and occupants of abutting property to keep sidewalks free of litter. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter. (1969 Code, § 20-10)

16-111. Development and maintenance--residential streets.

(1) New streets. Development of new residential streets in the city shall be according to subdivision requirements. The city shall maintain such streets by resurfacing as needed at no direct cost to abutting property owners.

(2) Existing streets. Existing residential streets shall be maintained by the city with resurfacing and stabilizing of shoulders as needed at no direct cost to abutting property owners. When the public necessity indicates, as determined by city council upon recommendation of the Oak Ridge Regional Planning Commission, improvement of the street will be made by the city with the construction of curbs and gutters, storm drainage and the proper width and with correction of lines-of-sight at intersections, all as indicated in the subdivision regulations according to the following:

(a) The city shall pay the entire cost of correcting vertical curves to improve lines-of-sight.

(b) The costs for curbs and gutters, storm drainage, widening of the street to the prescribed width, and resurfacing are to be shared by the city and the benefitted abutting property owners. The portion of costs to be borne by benefitted abutting property owners shall not exceed fifty percent (50%) of the total costs but this may be decreased by the instrument establishing the assessment district. Within the limits above, the proportion of costs to be borne by each benefitted abutting property owner is to be determined in the manner provided by the state statutes. (1969 Code, § 20-11)

16-112. Development and maintenance--collector streets and thoroughfares. (1) New streets. The necessary rights-of-way for new collector streets and thoroughfares shall be dedicated by the developer to the city according to the major thoroughfare plan of the city. Development of such streets shall be by the contractor or developer to residential standards according to subdivision requirements with participation by the city for development in excess of a residential street. The city shall maintain such streets with resurfacing as needed at no direct cost to abutting property owners.

(2) Existing streets. The city shall provide routine maintenance and resurfacing as needed on existing collector streets and thoroughfares at no direct cost to abutting property owners. When the public necessity indicates, as determined by city council upon recommendation by the Oak Ridge Regional Planning Commission, improvement of the street will be made by the city with the construction of curbs and gutters, storm drainage and the proper width and with correction of lines-of-sight at intersections, all as indicated in the

subdivision regulations and major thoroughfare plan and in accordance with § 16-111 above. (1969 Code, § 20-12)

16-113. Development and maintenance--sidewalks. (1) Areas adjacent to community-serving facilities. New sidewalks may be required in areas adjacent to community-serving facilities. The necessity for and exact location of these walks are to be determined by city council upon recommendation of the Oak Ridge Regional Planning Commission. The cost of these sidewalks is to be borne by the city.

(2) Other areas. New sidewalks in areas other than around community-serving facilities are to be provided for through appropriate proceedings for an assessment district. The cost of these sidewalks is to be borne on a fifty-fifty basis between the city and the property owner, with the city to bear fifty percent (50%) thereof, and fifty percent (50%) charged to any adjoining property owners in the manner provided by the state statutes.

(3) Existing sidewalks. The city shall maintain existing sidewalks with resurfacing for replacement as needed at no direct cost to abutting property owners. (1969 Code, § 20-13)

16-114. Development and maintenance--damages, liability. Notwithstanding §§ 16-111, 16-112, and 16-113 above, the city shall not be liable for, or pay the cost of, correcting damages to streets and sidewalks where such damages are directly attributable to an abutting property owner, a developer or other contractor. Repair and maintenance under these circumstances shall be at the expense of the party of parties causing the damages. (1969 Code, § 20-14)

CHAPTER 2

SIGNS IN RIGHTS-OF-WAY

SECTION

16-201. Definition.

16-202. When permitted.

16-203. Removal.

16-201. Definition. A "sign," within the meaning of this chapter, is any structure defined as a "sign" under the zoning code of the city. (1969 Code, § 20-21)

16-202. When permitted. (1) Except as otherwise provided herein, it shall be unlawful for any person to place, maintain or to continue the use of any sign within the public right-of-way of any road or street or other public way within the city. Approved signs erected in sign districts pursuant to permits issued under the provisions of the zoning code of the city will be permitted.

(2) Where the right-of-way reserved, excepted or granted to the city exceeds one hundred fifty (150) feet in width, the city manager, on application, may approve the erection of signs with the right-of-way, provided such approval shall not be granted for any sign within seventy-five (75) feet of the center line of such right-of-way.

(3) This section shall not apply to publicly owned signs such as traffic-control signs. (1969 Code, § 20-22)

16-203. Removal. The city manager is authorized and directed to remove any sign which is being maintained or continued in use in violation of this chapter; provided, however, that no sign shall be removed until the city manager has given the owner or the person having control of the same not less than ten (10) days' notice in writing of his or her intention to remove such sign. (1969 Code, § 20-23)

CHAPTER 3

LINES OF SIGHT AT INTERSECTIONS

SECTION

16-301. Definitions.

16-302. Designated.

16-303. Intersection is hazardous if safe line cannot be established.

16-304. Order to remove obstructions.

16-305. Removal of obstruction by city.

16-301. Definitions. For the purposes of this chapter, the following definitions shall apply:

(1) "Minor street." The term "minor street" means any street upon which the driver of a motor vehicle is required to come to a full stop by a stop sign or other similarly used device before entering the intersection.

(2) "Safe line of sight." A "safe line of sight" is defined as the field of unobstructed vision sufficient to observe clearly any object of a height of four (4) feet which is in any part of the traffic lane, the flow of which is approaching the intersection between the sighting position and the distance specified in § 16-302.

(3) "Traffic way." The term "traffic way" means the entire width between property lines (or boundary lines), of which any part is open to the use of the public for purposes of vehicular traffic as a matter of right or custom. (1969 Code, § 20-34)

16-302. Designated. The line of sight on the intersecting street shall be a distance measured in feet equal to the sum of eight (8) times the posted speed limit on the major street, measured to the left of a projection of the curblines nearest the sighting position on a minor street, and a distance in feet equal to the sum of ten (10) times the speed limit on the major street to the right of such projection. (1969 Code, § 20-35)

16-303. Intersection is hazardous if safe line cannot be established. It is hereby declared that if, at any intersection of two (2) streets, the minor of which from a height of fifty-four (54) inches above ground level, at a sighting position on the pavement eight (8) feet from the right-hand curb to a driver facing the intersection and eight (8) feet from the curblines of the intersecting street (or if either of these streets has no curb, from the edge of the traffic way), a safe line of sight both to his or her right and to his or her left for the driver of a vehicle stopped at that point cannot be established, such intersection shall constitute a hazardous intersection. (1969 Code, § 20-36)

16-304. Order to remove obstructions. The city manager shall have the authority, when hazardous intersections, as designated in this chapter, are

brought to his or her attention, to order the owners, or other persons in charge of the property on which weeds, flowers, trees, fences, outbuildings, earth-banks or other obstructions exist, other than dwelling houses or store buildings, to remove such obstructions within ten (10) days after receipt of such order. If, after a reasonable effort has been made to serve such order of removal, it is found impossible to do so, because the owner or other person in charge of the property has removed from the city, the city manager may mail the order by registered mail to the last known address of such owner or person in charge. After a lapse of twenty (20) days following such mailing, unless the order is returned as unclaimed, the required waiting period shall have expired. In the event that the order is returned by the postal authority as unclaimed, no further waiting period shall be required. (1969 Code, § 20-37)

16-305. Removal of obstruction by city. Upon the expiration of the waiting period required by § 16-304, the city manager may, if the order given pursuant to § 16-304 has not been complied with at that time, order the removal of the obstruction by employees of the public works department. The city shall charge the owner or other person in charge of the property involved for the cost of this service. (1969 Code, § 20-38)