TITLE 16

STREETS AND SIDEWALKS, ETC

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. Animals and vehicles on sidewalks.
16-112. 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.

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 (14) feet or over any sidewalk at a height of less than eight (8) feet.

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

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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.

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 established by the board of mayor and aldermen.

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 board of mayor and aldermen after a finding that no hazard will be created by such banner or sign.

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.

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.

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.

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.

16-110. **Parades, etc., regulated.** It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the clerk/recorder. No permit shall be issued by the clerk/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.
16-111. **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.

16-112. **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.
CHAPTER 2

EXCAVATIONS AND CUTS\(^1\)

SECTION
16-201. Permit required.
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.
16-210. Violation and penalty.

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 recorder is open for business, and the permit shall be retroactive to the date when the work was begun. (as replaced by Ord. #07.04.03, May 2007)

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

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\(^1\)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).
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 city recorder within twenty-four (24) hours of its filing. (as replaced by Ord. #07.04.03, May 2007)

16-203. Fee. The fee for such permits shall be twenty dollars ($20.00). (as replaced by Ord. #07.04.03, May 2007)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the city recorder a cash deposit. The deposit shall be in the sum of five hundred dollars ($500.00) if no pavement is involved or one thousand dollars ($1,000.00) 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 city 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 city recorder a surety bond in such form and amount as the city recorder shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (as replaced by Ord. #07.04.03, May 2007)

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. (as replaced by Ord. #07.04.03, May 2007)

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 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. (as
replaced by Ord. #07.04.03, May 2007)

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 recorder
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 thirty
thousand dollars ($130,000.00) for each person and three hundred fifty thousand
dollars ($350,000.00) for each accident, and for property damages not less than
fifty thousand dollars ($50,000.00) for any one (1) accident, and a seventy five
thousand dollars ($75,000.00) aggregate. (as replaced by Ord. #07.04.03, May
2007)

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 recorder. (as
replaced by Ord. #07.04.03, May 2007)

16-209. Supervision. The person designated by the board of mayor and
aldermen 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. (as replaced by Ord. #07.04.03, May 2007)

16-210. Violation and penalty. Any violation of this chapter shall
constitute a civil offense and shall be punishable by a civil penalty under the
general penalty provision of the city's municipal code, by revocation of permit,
or by both penalty and revocation. Each day a violation shall be allowed to continue shall constitute a separate offense. (as replaced by Ord. #07.04.03, May 2007)