

**TITLE 16****STREETS AND SIDEWALKS, ETC<sup>1</sup>****CHAPTER**

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. STREET NAMES AND PROPERTY NUMBERS.

**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.** 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. (1983 Code, § 12-101)

**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 or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1983 Code, § 12-102)

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

**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. (1983 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.<sup>1</sup> (1983 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 or above 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. (1983 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. (1983 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. (1983 Code, § 12-107)

**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. (1983 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. (1983 Code, § 12-109)

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<sup>1</sup>Municipal code reference

Building code: title 12, chapter 1.

**16-110. Parades, etc., regulated.** (1) Definitions. (a) "Parade" as used in this section shall mean any meeting, parade, demonstration, exhibition, festival, homecoming or other such event to be held in or upon any street, park, or other public place in the Town of Oneida.

(b) "Town" is the Town of Oneida, Tennessee.

(c) "Board of mayor and aldermen" is the Board of Mayor and Aldermen of the Town of Oneida, Tennessee.

(d) "Recorder" is the Recorder of the Town of Oneida, Tennessee.

(e) "Chief of police" is the Chief of Police of the Town of Oneida, Tennessee.

(f) "Parade permit" is a permit as required by this section.

(g) "Person" is any person, firm, group, partnership, association, corporation, company, or organization of any kind.

(2) Purposes. The Town of Oneida 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 town passes this section to regulate the time, place, and manner of parades. The town passes this section in the interest of all its citizen's public safety, health, welfare, comfort and convenience. Because the town has limited resources, it passes this section so that it may properly allocate these resources among its citizens. The purpose of this section is to promote order, safety, and tranquility to the streets of the town. This section is further passed to help minimize traffic and business interruptions during parades.

(3) Permit. (a) No person shall parade unless a parade permit has been obtained by the board of mayor and aldermen. Any parade held without the proper permit shall be unlawful.

(b) This section shall not apply to funeral processions.

(4) Application. (a) Any person seeking issuance of a parade permit shall file an application with the recorder on forms provided by the recorder who shall place the request for a parade permit on the agenda of the next meeting of the board of mayor and aldermen for action by it in the normal course of business.

(b) The application for parade permit shall be filed in writing with the recorder not less than thirty (30) days prior to the contemplated parade. No permit shall be granted sooner than one hundred eighty (180) days prior to the contemplated parade.

(c) The application for a parade permit shall set forth the following information:

(i) The name, address, and telephone number of the person seeking to conduct the parade or of the organization and its responsible heads;

(ii) The name, address, and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;

(iii) The date when the parade is to be conducted;

(iv) The route to be traveled, the starting point and the termination point;

(v) The approximate number of persons who, and animals which, will constitute such parades. The type of animals and description of the vehicles;

(vi) The hours when the parade will begin and end;

(vii) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;

(viii) The location by streets of any assembly areas;

(ix) The time at which units of the parade will begin to assemble at any assembly area.

(x) The interval of space to be maintained between units of the parade; and

(xi) If the parade is to be held on behalf of any other person than the applicant, the authorization of that person.

(d) The board of mayor and aldermen shall decide whether to grant the application for a permit. The board of mayor and aldermen may consult with the chief of police in making their decision.

(e) The board of mayor and aldermen in cooperation with the chief of police shall have the authority to designate the starting point, route, terminal point, or other time, place, and manner restrictions as deemed proper in consideration of minimum traffic interruption, public safety, health, welfare, convenience, peace or order.

(5) Standards for issuance. (a) The board of mayor and aldermen shall issue a parade permit upon consideration of the application and other information obtained when they find that:

(i) The conduct of the parade will not unduly interrupt the safe and orderly movement of other traffic contiguous to its route;

(ii) The conduct of the parade will not require the diversion or interruption of essential or emergency municipal services, including police, fire or ambulance services;

(iii) The parade is scheduled to move from its origin to its termination expeditiously and without unreasonable delay.

(iv) The applicant has satisfied the bond requirement; and

(v) No other permit has been granted for the same day.

(b) A permit shall be granted to the first person properly applying under the requirements of this section.

(c) No permit shall be granted for a parade except those restricted to the following time:

- (i) No earlier than 8:00 A.M.
- (ii) No later than 10:00 P.M.

(d) No permit shall be granted to any person until the applicant has posted in advance a two hundred and fifty dollar (\$250) bond to cover the reasonable expenses incurred in the clean up efforts after the parade.

(e) The recorder shall notify the applicant within ten (10) days after action by the board of mayor and aldermen whether the permit has been granted or denied. If the permit has been denied, the recorder shall set forth the reasons why the board of mayor and aldermen denied the permit.

(f) In computing any period of time set out in this section, no Saturdays, Sundays, or holidays are to be computed in the time period.

(6) Contents of permit. Each parade permit shall state the following:

- (a) Assembly and disassembly time and place;
- (b) Starting time;
- (c) The route and the portions of the streets to be traversed that may be occupied by the parade;
- (d) Minimum speed;
- (e) Maximum speed;
- (f) Interval of space between parade units;
- (g) The maximum length of the parade and miles or fractions thereof;

Other information as the board of mayor and aldermen in cooperation with the chief of police shall find necessary to the enforcement of this section.

(7) Duties of permittee. (a) A permittee shall comply with all permit application information, permit directions and conditions, and with all applicable laws and ordinances.

(b) The permittee shall advise parade participants of such permit requirements.

(c) The parade chairman or other person heading or leading such activities shall carry the parade permit upon his person during the parade.

(8) Revocation of permit. (a) The board of mayor and aldermen or their designees shall have the authority to revoke a parade permit issued hereunder prior to the parade upon the application of the standards for issuance as herein set forth if it is found that:

- (i) Applicant materially misrepresented facts or information in the application; and/or
- (ii) Applicant failed to meet the standards set forth herein.

(b) The board of mayor and aldermen or their designee shall have the authority to revoke the permit during the parade and disassemble the parade if:

(i) A public emergency arises requiring such revocation to protect the safety of persons or property or;

(ii) Disorderly conduct, riots, lawless activity, violence, or other breach of the peace, instigated by parade participants occurs.

(9) Violation and penalty. (a) It shall be unlawful for any person to parade without first having obtained a permit as required by this section.

(b) It shall be unlawful for any person to participate in a parade on the streets of the Town of Oneida for which a permit has not been granted.

(c) It shall be unlawful for any person to fail to comply with all directions and conditions of the parade permit.

(d) Any person violating the provisions of any section of this section shall, if convicted, be fined not more than fifty dollars (\$50.00). (Ord. #608, Oct. 1992)

**16-111. Operation of trains at crossings regulated.** (1) Speed of engines. No engineer, hostler or other person in charge of any engine, with or without cars attached, shall run the same through any part of the town at a greater rate of speed than thirty (30) miles per hour; provided, that this restriction shall not apply to that portion of any railroad track with which no street of the town is crossed at grade.

(2) Warnings at crossings. There shall be erected at all grade crossings on the line of the railroad in the town over which trains are operated, electric signals, crossing gates, or the railroad shall provide flagmen or some other warning device approved by the board of mayor and aldermen. Such warning shall be provided and maintained by the railroad without expense to the town, and when warning devices are used they shall be erected and maintained under the supervision of the city engineer.

(3) Crossing tracks, after warning. It shall be unlawful for any person, when warned against so doing by electric signals, crossing gates, watchmen or any other approved warning device to cross, or attempt to cross any railroad tracks within the city.

(4) Trains not to block street. It shall be unlawful for any railroad or railroad company or its officers, agents, or servants to operate any train, engine, car, or other equipment, or to cause any bell, gong, light signal, gate or other warning device to operate, in such a manner as to prevent or prohibit the use of any street for purposes of vehicular travel for a continuous period of time longer than ten (10) minutes, except that this provision shall not apply to trains or cars in continuous motion other than those engaged in switching. (5) Duty of

railroad as to gates. It shall be unlawful for any railroad company to keep the gates at crossings shut down for any unreasonable time so as to obstruct travel.

It shall be unlawful for the railroad's employees to shut down the gates while persons are between the gates, so as to keep them on the track.

It shall be unlawful for any engineer or person in charge of an engine or train to move his engine or cars over a crossing unless the warning, as provided in this section, has been given.

(6) Blowing whistles or horns. It shall be unlawful for any person operating or in charge of a locomotive engine within the corporate limits to blow the whistle or horn on the same except as may be absolutely necessary in the use of the signals as laid down by the rules and regulations of railway companies, or as required by the laws of the state.

(7) Trespass--generally. It shall be unlawful for any person, not an employee, to walk on or be upon the tracks of any railroad within the corporate limits, except where it is necessary to cross the same at regular and established street crossings, or to play or loiter about or upon the tracks, or within or upon the cars or engines of any railroad within the corporate limits. (8) Same on railroad bridge. It shall be unlawful for any person, not an employee of a railroad company in the necessary discharge of his duty, to get upon or walk upon, or get inside of any railroad bridge.

(9) Getting on or off moving engines or trains. It shall be unlawful for any person not a bona fide passenger, or employee of a railroad company in the discharge of his duty, to jump, step, or otherwise get upon or to swing to or from or in any manner attach himself to, any moving engine, car, or train within the corporate limits.

(10) Construction and repair. All persons or corporations owning or operating a railroad in the state are required to make and furnish good and sufficient crossings on the public highways crossed by them, and keep same in lawful repair at their own expense. (See Tennessee Code Annotated, § 65-11-101.)

(11) Penalties. Any railroad employee or other person found in violation of this section shall be fined in accordance with the general penalty clause for this municipal code. (1983 Code, § 12-111)

**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 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. (1983 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. (1983 Code, § 12-113)



## 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.

**16-201. 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. (1983 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

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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. (1983 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 (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. (1983 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 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 town of relaying the surface of the ground or pavement, and of making the refill if this is done by the town 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 town if the applicant fails to make proper restoration. (1983 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. (1983 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 town 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 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 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 town 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 town, 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. (1983 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 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. (1983 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, or until the refill is made ready for the pavement to be put on by the town if the town 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. (1983 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 town 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. (1983 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 (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 to separate said driveways. Driveway aprons shall not extend out into the street. (1983 Code, § 12-210)

## CHAPTER 3

### STREET NAMES AND PROPERTY NUMBERS

#### SECTION

- 16-301. Numbering system, etc., established.
- 16-302. Street names to be shown on map.
- 16-303. New street names to be recorded.
- 16-304. Each principal building assigned number.
- 16-305. Approval of new street names required.

**16-301. Numbering system, etc., established.** There is hereby established an official system of street names and a uniform system of numbering properties and principal buildings, as shown on the map, entitled "Street Naming and Property Numbering System," which is filed in the office of the recorder and which is hereby adopted for use in the town. This map and all explanatory matter thereon, is hereby adopted and made a part of this chapter. (1983 Code, § 12-301)

**16-302. Street names to be shown on map.** Names of streets in the town shall remain as shown on said map unless officially changed by specific resolution passed subsequent to this date (June 7, 1963). Further, an index of official street names is to be kept on record in the office of the recorder. (1983 Code, § 12-302)

**16-303. New street names to be recorded.** No new streets shall be accepted by the town nor municipal improvements made therein until such streets have been named; if they are extensions of existing streets, the existing names shall be continued, and if not extensions, names recorded shall not duplicate or closely approximate names already assigned. (1983 Code, § 12-303)

**16-304. Each principal building assigned number.** (1) All properties or parcels of land within the corporate limits shall hereafter be identified by reference to the uniform numbering system adopted herein, provided, all existing numbers of property and buildings not now in conformity with provisions of this chapter shall be changed to conform to the system herein adopted within three (3) months from date of passage of this chapter (June 7, 1963).

(2) A separate number shall be assigned according to the interval designated in the following schedule and as indicated on the street map:

- (a) Within commercial zones, a separate number shall be assigned for each 25 feet of frontage.

(b) In the remaining area, a separate number shall be assigned for each 50 feet of frontage.

(3) Each principal building shall bear the number assigned to the frontage on which the front entrance is located. In case a principal building is occupied by more than one occupant, each separate front entrance of such principal building shall bear a separate number.

(4) Numerals indicating the official number for each principal building or each front entrance to such building shall be posted in a manner as to be visible from the street on which the property is located. (1983 Code, § 12-304)

**16-305. Approval of new street names required.** The recorder shall be responsible for maintaining the numbering system. Proposed street names must be approved by the planning commission and subsequently adopted by resolution of the board of mayor and aldermen. (1983 Code, § 12-305)