

## TITLE 16

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

#### CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. RIGHT OF WAY ENCROACHMENT REGULATION.
4. PENALTIES.

#### 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.
- 16-113. Driveway culverts required.

**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. (1990 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, alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1990 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. (1990 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> (1990 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 board of mayor and aldermen after a finding that no hazard will be created by such banner or sign. (1990 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 law. (1990 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. (1990 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. (1990 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. (1990 Code, § 12-109)

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<sup>1</sup>Municipal code reference

Building code: title 12, chapter 1.

**16-110. Parades, etc., regulated.** It shall be unlawful for any 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 town recorder. (1990 Code, § 12-110)

**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. (1990 Code, § 12-112)

**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. (1990 Code, § 12-113)

**16-113. Driveway culverts required.** All driveways connecting with a street or roadway within the corporate limits shall be constructed with a minimum fifteen (15) inch drainage pipe under said driveway at its connection to said street or roadway unless deemed unnecessary and exempted by the building inspector. Such exemption shall be recorded with the town's city recorder. (1990 Code, § 12-114, modified)

## 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. Safety restrictions on excavations.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.

**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 town recorder is open for business, and said permit shall be retroactive to the date when the work was begun. (1990 Code, § 12-201)

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

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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).

approved by the recorder within twenty-four (24) hours of its filing. (1990 Code, § 12-202)

**16-203. Fee.** The fee for such permits shall be twenty dollars (\$20.00). (1990 Code, § 12-203)

**16-204. Deposit or bond.** No such permit shall be issued unless and until the applicant therefor has deposited with the town 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 town 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 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 town recorder a surety bond in such form and amount as the town recorder shall deem adequate to cover the costs to the town if the applicant fails to make proper restoration. (1990 Code, § 12-204)

**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. (1990 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 the 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 town 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. (1990 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 town recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$130,000 for each person and \$350,000 for each accident, and for property damages not less than \$25,000 for any one (1) accident, and a \$75,000 aggregate. (1990 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 town recorder. (1990 Code, § 12-208)

**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 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. (1990 Code, § 12-209)

## CHAPTER 3

### RIGHT OF WAY ENCROACHMENT REGULATION

#### SECTION

16-301. Right of way encroachment regulations.

**16-301. Right of way encroachment regulations.** 1. No part of the street right-of-way should be used for servicing vehicles, displays or for conducting private business. All right-of-ways shall be kept clear of buildings, fences, business signs, parking areas, service equipment and appurtenances thereto. Parking may be permitted on the roadway only where specifically permitted, as posted by the town.

Each roadside business establishment shall provide parking and storage space off the right-of-way so as not to impede the use of a business driveway or hinder traffic upon a thoroughfare.

For business establishments at a corner street intersection, parking shall be restricted on each street between the intersection and nearest driveway.

2. Violators of subsection (1) above shall be subject to a fine of not less than ten dollars (\$10.00), nor more than fifty dollars (\$50.00) in the municipal court of the town or as prescribed by a court of legal jurisdiction for the Town of Pegram.

3. All driveways shall be constructed in a manner which will not impair drainage within the street right-of-way, nor alter the stability of the roadway subgrade. Further, driveways constructed shall neither impair nor materially alter the drainage of adjacent areas. All culverts, catch basins, drainage channels and other drainage structures required within the right-of-way and under driveways as a result of any property being developed within the town shall be installed in accordance with the standard cited within the subdivision regulations of the Town of Pegram, which are hereby incorporated by reference and in accordance with the town's zoning ordinance. All driveway culverts shall be a minimum diameter of 15 inches and a minimum length of 13 feet.

4. No advertising structures, advertising signs or advertisements or sign of any nature whatsoever, except public signs erected by government agencies or utilities, shall be located within the street right-of-way limits and shall in all cases comply within the regulations cited in § 4.080 of the town's zoning ordinance. Violators of this subsection shall be subject to a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) in the municipal court of the town or as prescribed by a court of legal jurisdiction for the Town of Pegram.

5. Any driveway installed along a city street shall be located so as to afford maximum sight distance and shall not constitute a safety hazard. Where a driveway is provided to a commercial establishment, the right-of-way and

adjacent border area shall be reasonably clear so that either the establishment or an appropriate sign located outside of the right-of-way can be seen at a sufficient distance to enable proper maneuvers on the part of drivers desiring to enter the establishment. The profile of a driveway and the grading of the right-of-way shall be such that a driver of a vehicle that is standing on the driveway may see a sufficient distance in both directions to enable him to enter the highway without creating a traffic hazard.

All improvements on property adjacent to street right-of-way shall have a sufficient setback so that parking, stopping and maneuvering on the right-of-way will be avoided by those patrons in vehicles entering business establishments.

Driveways for vehicles entering or leaving a residential development or establishment shall not interfere with the free movement of traffic or create a hazard upon a public street. Where feasible, driveways shall be located where there are not sharp curves, steep grades and where sight distances are adequate for safe traffic operations. Driveways shall not be located within intersections, rotaries and interchanges, or on streets immediately approaching such. Driveways shall also be located in such a manner that there will be no interference with the placement of signs, signals or other devices affecting traffic operation.

6. The arrangement and alignment of driveways must be in such a manner that will complement the highway alignment, street profile and sight distance conditions. From the point where any driveway abuts the pavement of any street or highway, the slope of that driveway shall under no circumstance exceed a ten (10) percent grade for the first eighteen (18) feet of said driveway's point of abutment with the pavement of the street or highway in question. The permissible number, arrangement and width of driveways shall be governed in part by the street frontage abutting private property, and shall comply with the minimum access control requirements cited in § 3.090 of the Pegram Zoning Ordinance. The number of driveways provided shall be the minimum number required to serve the needs of the adjacent property. Frontages of 100 feet or less shall be limited to one driveway. No more than two (2) driveways will be provided to any single property tract or business establishment.

7. Driveways shall be positioned to clear the frontage boundary lines by the specified minimum dimension. Where two driveways are provided for one frontage, the clear distance between driveways measured along the right-of-way lines shall not be less than 25 feet.

At an intersection of two streets, a driveway connecting each street with a corner property will be permitted, where essential, to conduct business on a corner tract, provided such driveways comply with the minimum access control requirements cited in § 3.090 of the Pegram Zoning Ordinance. Where the capacity of the street or streets is high, the driveway(s) should be located as far away from the intersection as possible.



8. Whenever possible, all driveways shall be positioned at right angles to the public roadway.

9. Before construction of a driveway commences off a city street, the applicant must first furnish to the building inspector a written request to construct a driveway and thereafter, furnish a graphic dimensional sketch illustrating the location of the applicant's property, a plot plan or simple layout of the applicant's property, especially as it relates to the proposed access design, and the proposed land usage of the applicant's property. Thereafter, it shall be the building inspector's responsibility to grant and issue a permit to the applicant so long as the same is in compliance with this chapter. The building inspector, may in his discretion, refer the applicant's request to the Pegram Planning Commission for review prior to construction.

10. All future driveway connections shall be subject to the installation of approved headwalls upon driveway culverts which shall connect to public street or roadway. The required headwall installation shall be as is set forth in the subdivision regulations of the Town of Pegram, Tennessee, as amended, and its appendixes and exhibits thereto, to which reference is hereby made, and as fully set forth herein. (Ord. #1992-6, Sept. 1992, as amended by Ord. #1995-2, May 1995, modified)

**CHAPTER 4****PENALTIES****SECTION**

16-401. Penalties.

**16-401. Penalties.** Any violation of any provision of this title shall be punishable by a fine not to exceed fifty dollars (\$50.00), or not to exceed the maximum amount which the legislature of the State of Tennessee may hereafter establish. This section shall not apply to fines that are remedial in nature.