

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

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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. Truck traffic restricted to certain streets.

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. (1980 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. (1980 Code, § 12-102)

¹Municipal 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. (1980 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.¹ (1980 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 city council after a finding that no hazard will be created by such banner or sign. (1980 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. (1980 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. (1980 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. (1980 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. (1980 Code, § 12-109)

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

¹Municipal code reference
Building code: title 12, chapter 1.

securing a permit from the city clerk. No permit shall be issued by the city clerk 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. (1980 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. (1980 Code, § 12-111)

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. (1980 Code, § 12-112)

16-113. Truck traffic restricted to certain streets. It shall be unlawful to operate any truck upon any street, road, or other public thoroughfare within the corporate limits of the City of Red Boiling Springs, Tennessee except the following streets: All federal or state roads, Main Street, Market Street, Hillcrest Drive, Witcher Hollow Road, Oak Grove Road, McClure Street, College Street, Oak Street, _____

_____. For the purpose of this section, a truck is defined to be any vehicle designed or operated for the transportation of persons or property and whose gross vehicle weight exceeds 10,000 pounds. The following are exceptions to this section:

(1) Trucks carrying goods, merchandise or other articles to or from any location abutting upon a public street shall be permitted to enter thereon provided streets allowed for truck traffic are used until reaching the intersection nearest the destination point;

(2) The operation of trucks upon any street where necessary to the conduct of business at a destination point within the city provided streets allowed for truck traffic are used until reaching the intersection nearest the destination point;

(3) The operation of emergency vehicles upon any street in the city;

(4) The operation of school buses;

(5) The operation of trucks owned or operated by the city, public utilities, any contractor or materialman which is and while engaged in the repair, maintenance of construction of streets, street improvements, or utilities within the city; and

(6) The operation of trucks upon any officially designated detour in any case where such truck could lawfully be operated upon the street for which such detour is established. (1980 Code, § 12-113)

CHAPTER 2

EXCAVATIONS AND CUTS¹

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.
- 16-211. Regulation of construction on city street rights of way.

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 city clerk is open for business, and said permit shall be retroactive to the date when the work was begun. (1980 Code, § 12-201)

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

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).

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 clerk within twenty-four (24) hours of its filing. (1980 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. (1980 Code, § 12-203)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the city clerk 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 city clerk may increase the amount of the deposit to an amount considered by him to be adequate to cover the said 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 clerk a surety bond in such form and amount as the city clerk shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1980 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. (1980 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 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 clerk 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. (1980 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 city clerk 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. (1980 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 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 clerk. (1980 Code, § 12-208)

16-209. Supervision. The city clerk 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. (1980 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 city clerk. 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. Driveway aprons shall not extend out into the street. (1980 Code, § 12-210)

16-211. Regulation of construction on city street rights of way.

(1) New construction. Any person, firm or corporation desiring to commence any construction or install any improvement on a road or access connecting to any city street or city street right of way must obtain a written permit from the mayor or his designee prior to excavation for, or construction of, any structure or other improvement.

Upon application having been made for a permit, the mayor or his designee shall make such investigation, including an inspection of the site, as may be necessary and shall thereupon issue a permit to be valid for sixty days from the date of issuance. Such permit shall be issued in duplicate with one copy being delivered to the applicant and one copy being retained by the city. The permit shall set forth such reasonable conditions as will assure that proper and adequate provision shall be made for all road surface and drainage waters and so as not to interfere with the same, however, in no case shall the drainage pipe be less than twelve (12) inches. The drainage pipe shall be reinforced concrete or corrugated metal meeting Tennessee Department of Highway specifications.

Upon completion of the construction the applicant shall notify the mayor or his designee. The mayor or his designee shall inspect the construction and certify as to compliance with the permit.

If the applicant has fully complied with the conditions set forth in the permit, such notation shall be made on the city's copy of said permit. If the applicant has failed to comply with any of the conditions of the permit, the mayor or his designee shall notify the applicant in writing setting forth the item or items not in compliance, and shall designate the number of days allowed for full compliance.

(2) Existing construction. Existing driveways connecting to the city's streets which are determined by the mayor or his designee to be hazardous from a safety standpoint, or as causing damage to city property, or as having inadequate provisions for drainage, shall be corrected. The property owner shall be notified in writing of such nonconformance and shall be allowed a period of 90 days for correcting the nonconformity. (1980 Code, § 12-211)

CHAPTER 3

PROPERTY NUMBERING AND STREET MAP

SECTION

- 16-301. Official property numbering and street map established.
- 16-302. Assignment and distribution of property numbers.
- 16-303. Display of property numbers.
- 16-304. Ordinance required to change street name.
- 16-305. New streets.

16-301. Official property numbering and street map established. There is hereby established an official map of street names and property numbers for the City of Red Boiling Springs, produced and recommended by the Red Boiling Springs Municipal Planning Commission and adopted by ordinance by the Red Boiling Springs City Council. The official property numbering and street map (hereinafter called official map) bears the signature of the mayor and city clerk. A copy of said map is on record in the Red Boiling Springs City Hall. (1980 Code, § 12-401)

16-302. Assignment and distribution of property numbers. The mayor or his designated representative is solely responsible to assign and distribute property numbers as shown on the official map, as well as make changes and additions to property numbering. (1980 Code, § 12-402)

16-303. Display of property numbers. All structures in Red Boiling Springs are hereafter required to display their property number in a prominent location on the structure or at the front of the lot. The number should be of a size, material and color that is easily readable both day and night. (1980 Code, § 12-403)

16-304. Ordinance required to change street name. Names of streets in the City of Red Boiling Springs shall remain as shown on the official map unless hereafter changed by ordinance amending this chapter and amending the official map. (1980 Code, § 12-404)

16-305. New streets. No new streets shall be accepted by the City of Red Boiling Springs and no municipal improvements will be made thereto until such streets have been approved and named in accordance with the following process:

- (1) The Red Boiling Springs Municipal Planning Commission will review and recommend acceptance and naming of any new street to the Red Boiling Springs City Council.
- (2) Extensions of an existing street will continue to use that same name.

(3) New street names cannot duplicate or closely approximate street names already assigned.

(4) The Red Boiling Springs City Council will accept and adopt new street names by ordinance amending this chapter and amending the official map. (1980 Code, § 12-405)

CHAPTER 4

STREET ACQUISITIONS

SECTION

16-401. Acquisition requirements.

16-402. Road right-of-way width.

16-403. Minimum surfacing width.

16-404. Pavement.

16-405. Grades.

16-406. Drainage.

16-407. Inspection.

16-408. Council.

16-401. Acquisition requirements. The city shall not acquire nor accept any street or public way by purchase, gift or dedication unless such street or public way is in compliance with the requirements of this chapter and with the requirements of this title where applicable. (as added by Ord. #04-5, May 2004)

16-402. Road right-of-way width. The minimum width of the road right-of-way, measured from lot line to lot line, shall be not less than 50 feet. (as added by Ord. #04-5, May 2004)

16-403. Minimum surfacing width. The minimum surfacing width of the road right-of-way shall be 20 feet. (as added by Ord. #04-5, May 2004)

16-404. Pavement. The road right-of-way surface and base shall be a pavement and pavement base which are in compliance with the minimum standard requirements of the Macon County Road Department for the pavement and pavement base of local and minor roads. (as added by Ord. #04-5, May 2004)

16-405. Grades. Grades shall conform to the terrain and shall not be more than ten percent (10%) where the grade will be in excess of 300 feet in distance but in no case more than three percent (3%) within 100 feet of any intersection or fifteen percent (15%) on any grades less than 300 feet in distance. (as added by Ord. #04-5, May 2004)

16-406. Drainage. An adequate grading and drainage system shall exist for the proper drainage of all surface water from the pavement and from the right-of-way, including necessary open ditches, pipes, culverts, intersectional drains, etc. Ditches shall have a minimum depth of eighteen (18) inches below the final road surface and shall be located two (2) feet from the pavement base. (as added by Ord. #04-5, May 2004)

16-407. Inspection. The street or public way shall be inspected by the mayor or the mayor's designee prior to the council acting upon the exercise of its acquisition power in the acceptance of any gift or dedication of such street or public way to the city. The council shall not so act until the mayor or the mayor's designee has certified to the council that such street or public way is in compliance with the requirements of this chapter, and with the requirements of this title where applicable; and that the necessary easements are available to the city for water and sewer lines and any other necessary utilities designated by the mayor. (as added by Ord. #04-5, May 2004)

16-408. Council. Compliance with this chapter shall in no manner constitute acceptance by the council of a gift or dedication of any street or public way. The discretion of the council in the exercise of its powers shall in no manner be abrogated by this chapter. The council may impose additional requirements if it finds that the safety, health, peace, security, good order, comfort, convenience, morals, financial demands or general welfare of the city and its inhabitants require it. (as added by Ord. #04-5, May 2004)