

## TITLE 16

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

#### CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. ACCEPTANCE OF PUBLIC STREETS.
4. UTILITIES.
5. TREES AND LANDSCAPING.
6. PROPERTY NUMBERING.

#### 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. Permit for road connections, 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. Provided, however, that the chief of police may give written permission to obstruct the street when necessary for construction purposes provided adequate safety measures are provided to protect people traveling on the street. (1982 Code, § 12-101)

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

**16-102. Trees projecting over streets, etc., regulated.**<sup>1</sup> 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. (1982 Code, § 12-102)

**16-103. Trees, etc., obstructing view at intersections prohibited.**<sup>1</sup> 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. (1982 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 § 14-409 and the building code.<sup>2</sup> (1982 Code, § 12-104, modified)

**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 mayor and board of commissioners after a finding that no hazard will be created by such banner or sign. (1982 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. (1982 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, or public grounds, any refuse, glass, tacks, mud, intoxicating liquor containers, grass, leaves, 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. (1982 Code, § 12-107, modified)

**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. (1982 Code, § 12-108)

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<sup>1</sup>Municipal code reference

Trees over sidewalks and obstructing intersections: § 16-413.

<sup>2</sup>Municipal code reference

Building code: title 12, chapter 1.

**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. (1982 Code, § 12-109)

**16-110. Parades, etc., regulated.** It shall be unlawful for any person, club, organization, or group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder. No permit shall be issued by the 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. No permit shall be issued unless applied for no later than 10 days prior to the proposed date of the parade and unless approved by the city recorder, the chief of police, and the street superintendent. 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. This section shall not apply to single individuals who wish to peacefully deliver unamplified speech or written materials on sidewalks or to small groups that use public property, such as parks, where their activity does not interfere with vehicular traffic. (1982 Code, § 12-110, as amended by Ord. #578, Dec. 1985, and Ord. #956, Jan. 2018)

**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, bicycle or skateboard across or upon any sidewalk in such manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1982 Code, § 12-111, as amended by Ord. #650, Feb. 1993)

**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. (1982 Code, § 12-112)

**16-113. Permit for road connections, etc.** It shall be unlawful for any person to construct or connect any new street, road, or way onto or into any existing city street, road, or way before obtaining a permit from the city building and property inspector. There shall be no charge for the permit.

An application for a permit under this section shall be first approved by the city road superintendent and the city planning commission. The permit

shall be withheld or denied only for the reason that the proposed construction would result in a health or safety hazard or create an unsafe condition. (1982 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.

**16-201. 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. (1982 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 agreement that the applicant will comply with all ordinances and laws relating

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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).

to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1982 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. (1982 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 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 recorder or street superintendent may increase the amount of the deposit to an amount considered 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 recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1982 Code, § 12-204, modified)

**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. (1982 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 the 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 or street superintendent 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. (1982 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 \$250,000 for each person and \$600,000 for each accident, and for property damages not less than \$85,000 for any one (1) accident. (1982 Code, § 12-207, modified)

**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 recorder or street superintendent. (1982 Code, § 12-208)

**16-209. Supervision.** The street superintendent or building inspector 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. (1982 Code, § 12-209)

**CHAPTER 3****ACCEPTANCE OF PUBLIC STREETS****SECTION**

16-301. Acceptance of streets.

**16-301. Acceptance of streets.** No street, road, or way shall henceforth be accepted as a public street by the street department of the City of Sweetwater, Tennessee, unless its location and width of right-of-way has been approved by the municipal planning commission and unless its condition meets the standards established by the planning commission for all new streets within the corporate limits. (1982 Code, § 12-301)



**CHAPTER 4****UTILITIES****SECTION**

16-401. No utilities to be laid in unaccepted streets.

16-402. No utilities to be laid outside corporate limits.

**16-401. No utilities to be laid in unaccepted streets.** No department or board of the city shall lay or permit to be laid or connected any water, sewer, gas, or electric line in any street, road, way, or within a designated easement for said utilities not accepted as a public street by the street department. (1982 Code, § 12-302, modified)

**16-402. No utilities to be laid outside corporate limits.** No department or board of the city shall lay or permit to be laid or connected to the public utilities of Sweetwater any water, sewer, gas, or electric line in any street, road, or way henceforth opened outside the corporate limits without approval by the municipal planning commission. In determining the designation of an approved street, the standards established by the municipal planning commission for streets outside the corporate limits shall apply. (1982 Code, § 12-304, modified)

## CHAPTER 5

### TREES AND LANDSCAPING

#### SECTION

- 16-501. Purpose and intent.
- 16-502. Tree board.
- 16-503. Terms of office.
- 16-504. Operations.
- 16-505. Duties and responsibilities.
- 16-506. Compensation.
- 16-507. Street tree species to be planted.
- 16-508. Spacing.
- 16-509. Distance from curb and sidewalk.
- 16-510. Utilities.
- 16-511. Public tree care.
- 16-512. Tree topping.
- 16-513. Trees projecting over streets and sidewalks, and trees etc., obstructing the view at intersections.
- 16-514. Dead or diseased tree removal on private property.
- 16-515. Removal of stumps.
- 16-516. Interference with city tree board.
- 16-517. Right to appeal decision of city tree board.
- 16-518. Violation.

**16-501. Purpose and intent.** The purpose and intent of this chapter is to encourage the conservation, protection, and management of trees on public property within the City of Sweetwater because of the unique benefits they provide the community in assisting the natural control of solar heat, soil conservation, flood control, air pollution and noise; in providing a haven for birds and wildlife; in providing citizens with relief from aesthetic degradation of the man-made environment; in helping to increase the economic appeal of a community; and encouraging proper species planting, maintenance and care of trees and shrubs on private property. (Ord. #717, July 2000)

**16-502. Tree board.** There shall be created a Tree Board for the City of Sweetwater, consisting of eleven (11) members to be nominated by the mayor and approved by the board of commissioners. This board shall consist of a representative from the Sweetwater Utility Board, a representative from the parks and recreation department, a representative from the code enforcement office and eight(8) private citizens. (Ord. #717, July 2000, as amended by Ord. #763, Nov. 2003, and Ord. #905, Sept. 2013)

**16-503. Terms of office.** The representatives from the Sweetwater Utility Board, the parks and recreation department, and the code enforcement office shall be named and elected by the mayor and board of commissioners at its organizational meeting following city elections and will serve until the next such meeting. The terms of the established six (6) private citizen members of the tree board shall remain the same. In order to effect the terms of this section, the mayor and board of commissioners shall, no later than its next regular meeting following of the ordinance comprising this section, elect two (2) more private citizen members of the tree board. Their terms shall be retroactive to July 1, 2013, one for an initial period of one (1) year and the other for an initial period of two (2) years as the mayor and board of commissioners shall designate. Upon expiration of these initial terms, each such member shall be nominated and elected to serve a four (4) year term thereafter on a regular cycle. All eleven (11) members of the tree board may succeed themselves in office and there shall be no limitation on the number of terms an individual may serve. (Ord. #763, Nov. 2003, as replaced by Ord. #905, Sept. 2013)

**16-504. Operation.** The tree board shall choose its own officers, make its own rules and regulations and keep a record of its proceedings. (Ord. #717, July 2000)

**16-505. Duties and responsibilities.** The duties of the tree board shall include, but not be limited to the following:

- (1) Prepare a tree plan for the community.
- (2) Coordinate tree-related activities.
- (3) Conduct an Arbor Day ceremony.
- (4) Provide tree information to the community.
- (5) Maintain a recommended tree list for the community.
- (6) Recognize groups and individuals completing tree projects.
- (7) Coordinate publicity concerning trees and tree programs.
- (8) Coordinate donations of trees or money to purchase trees.
- (9) Adopt rules and regulations pertaining to the tree program.
- (10) Perform other tree related duties and opportunities that arise from time to time.
- (11) Recommend any ordinances to the mayor and board of commissioners that the tree board finds appropriate. (Ord. #717, July 2000)

**16-506. Compensation.** The tree board will serve without compensation. (Ord. #717, July 2000)

**16-507. Street tree species to be planted.** The tree board will compile a tree species list that will include three species size classes; small, medium and large. (Ord. #717, July 2000)

**16-508. Spacing.** The spacing of street trees will be in accordance with the three species size classes recommended by the tree board, and no trees may be planted closer together than the following; small trees, twenty (20) feet; medium trees, thirty (30) feet; large trees forty (40) feet, except in special plantings designed or approved by the tree board. (Ord. #717, July 2000)

**16-509. Distance from curb and sidewalk.** The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes recommended by the Sweetwater Tree Board. No trees may be planted closer to any curb or sidewalk according to the following specifications: small trees, two (2) feet; medium trees, four (4) feet; large trees six (6) feet. (Ord. #717, July 2000)

**16-510. Utilities.** No street trees other than those species listed as small trees in the Sweetwater Tree Board's tree list may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within ten (10) lateral feet of any underground water line, sewer line, transmission line or other utility. (Ord. #717, July 2000)

**16-511. Public tree care.** The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the property lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The City of Sweetwater may remove, cause, or order to be removed, any tree or part thereof which is in an unsafe condition or which, by reason of its nature, is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is infected with any injurious fungus, insect, or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with §§ 16-507 and 16-510 of this chapter. Provided: Nothing contained in this section shall relieve the owner of abutting property of the responsibility to prune, maintain, and remove trees lying within the right-of-way of the street. (Ord. #717, July 2000)

**16-512. Tree topping.** Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. It shall be unlawful as a normal practice for any person firm or city department to top any street tree, park tree, or other tree on public property. Trees severely damaged by storms or related causes; certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this chapter. (Ord. #717, July 2000)

**16-513. Trees projecting over streets and sidewalks, and trees, etc., obstructing the view at intersections.**<sup>1</sup> It shall be unlawful for any property owner or occupant to allow any tree limbs 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. It shall be unlawful for any property owner or occupant to have or to maintain on his property any tree, shrub, sign, or obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. These obstructions shall not reach a mature height above two (2) feet. No street trees shall be planted closer than ten (10) feet of any fireplug. Property owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. In the event of failure of the owners to comply with such provisions, the city shall have the authority to remove such trees, and the whole cost thereof, plus 15% for inspection and other incidental costs in connection therewith, shall be paid by the owner or owners of said lot or parcel of land, and said costs shall be billed to the owner or owners of the property. If the bill is not fully paid within one hundred twenty (120) days after the mailing of said bill, a ten-percent (10%) penalty shall be added, and it shall be placed on the tax roll of the City of Sweetwater as a lien upon the property and collected in the same manner as other city taxes are collected. (Ord. #717, July 2000)

**16-514. Dead or diseased tree removal on private property.** The city shall have the right to cause the removal of any trees that are dead or diseased on private property within the city when such trees constitute a hazard to life and property.

The city shall determine which tree or trees are to be removed. The owner of the trees will be notified in writing of such proposed removal stating the reason for the removal and the location of said tree or trees to be removed. If the owner desires to contest the removal of said tree or trees, he shall, within ten (10) days from the date of notice, request in writing, a hearing before the city. If it is determined after said hearing that said tree or trees are to be removed, the removal shall be done by said owners at the owner's expense within sixty (60) days after the date of the decision to remove. In the event the owner fails to comply with such order to remove, the city shall then proceed to remove said tree or trees, and to charge removal costs to the owner of the property as provided in § 16-513. (Ord. #717, July 2000)

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<sup>1</sup>Municipal code references

Trees over streets etc.: § 16-102.

Trees obstructing intersections: § 16-103.

**16-515. Removal of stumps.** All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground. (Ord. #717, July 2000)

**16-516. Interference with city tree board.** It shall be unlawful for any person to prevent, delay or interfere with the city tree board, or any of its agents, while they are involved in carrying out the duties authorized in this chapter. (Ord. #717, July 2000)

**16-517. Right to appeal decision of city tree board.** Any party shall have a right to appeal the decision of the city tree board. If the owner does wish to contest the decision of the city tree board, he shall, within ten (10) days from the date of the hearing before the city tree board, request in writing, a hearing before the city commission for a review and/or hearing on said decision. (Ord. #717, July 2000)

**16-518. Violation.** The violation of any provision of this chapter is declared to be a misdemeanor. (Ord. #717, July 2000)

## CHAPTER 6

### PROPERTY NUMBERING

#### SECTION

16-601. Property numbering.

16-602. Structure marking.

16-603. Time limits.

**16-601. Property numbering.** That the City of Sweetwater hereby adopts the numbering system in current use by E-911, and that such shall be the official property designation within the limits of the City of Sweetwater. (Ord. #683, July 1996)

**16-602. Structure marking.** Every owner of property improved by a building or structure of any nature within the City of Sweetwater shall cause to be placed on the structure or between the structure and the public thoroughfare, the numbers contained in the street address of the property, arranged in the either vertical or horizontal fashion of such a size and at such a location that they are visible and legible from the public thoroughfare, and clearly indicate the structure which they indicate. Such numbers shall be in the arabic style of common usage, and roman numbers or written numbers shall not be used. (Ord. #683, July 1996)

**16-603. Time limits.** Property owners shall have a period of sixty (60) days in which to comply with the requirements of this chapter, and thereafter each day that they fail to comply may be considered as a separate offense. Newly constructed structures shall be required to comply with this requirement within sixty (60) days after completion of the building. (Ord. #683, July 1996)