

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

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2. EXCAVATIONS.
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CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
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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, except as authorized by city council.

It is unlawful for any person in any way to injure, damage or obstruct the rights of way, road beds, sides, ditches, culverts, or bridges of the streets within the city limits of the City of Kingston, Tennessee. (1975 code, sec. 12-101, as amended by Ord. #99-2-9, March 1999)

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1975 code, sec. 12-102)

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. (1975 code, sec. 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 (1975 code, sec. 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. (1975 code, sec. 12-105, modified)

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. (1975 code, sec. 12-106, modified)

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. (1975 code, sec. 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. (1975 code, sec. 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.

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

Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1975 code, sec. 12-109)

16-110. Parades regulated. It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets of the city without some responsible representative first securing a permit from the city manager. No permit shall be issued by the city manager unless such activity will not unreasonably interfere with the 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 immediately clean up the resulting litter. (1975 code, sec. 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. (1975 code, sec. 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.

16-113. Street names, official streets and road maps. There is hereby established an official system of street names in the City of Kingston as shown on the street index map of Kingston, Tennessee, dated 1984, as produced by the municipal planning commission, a copy of which is available for public use and inspection in the city clerk's office.

Names of streets in the City of Kingston shall remain as shown on said map unless officially changed by specific ordinance.

No new streets shall be accepted by the city nor municipal improvements made therein until such streets have been named. If they are extensions of existing streets, the existing names shall be continued. If they are not extensions, the names recorded shall not duplicate or closely approximate street names already assigned. The city shall maintain an official streets and roads map in the office of the city manager, and shall update said map as required. The showing or identification of streets, roads and rights-of-way on said map as public streets, roads or rights-of-way either open or unopened, shall not be construed to mean that the city will or is obligated to open, construct or otherwise participate in the development of new streets beyond such acts such as inspections and other acts required to complete the public acceptance

processes used by the city. (1975 code, sec. 12-113, as modified by ord. 83-10-11-1)

16-114. Property numbers. A uniform system of numbering properties and principal buildings, as shown on the map identified by the title, "Property Numbering System" which is filed in the office of the city clerk, is hereby adopted for use in the City of Kingston, Tennessee. This map and all explanatory matter thereon, is hereby adopted and made a part of this section.

All properties or parcels of land within the corporate limits of Kingston, Tennessee, shall hereafter be identified by reference to the uniform numbering system adopted herein. All existing numbers of property and buildings not now in conformity with the provisions of this section shall be changed to conform to the system herein adopted within six months from the date of adoption of this section.

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

- (1) Within zone 1, a separate number shall be assigned for each 10 feet of frontage.
- (2) Within zone 2, a separate number shall be assigned for each 25 feet of frontage.
- (3) Within zone 3, a separate number shall be assigned for each 50 feet of frontage.

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 business or family dwelling unit, each separate front entrance of such principal building shall bear a separate number.

Numerals indicating the official numbers 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.

The city clerk shall be responsible for maintaining the numbering system. In the performance of this responsibility he shall be guided by the provisions of this section.

The city clerk shall issue to each property owner in Kingston, upon request and payment of a fee of fifty cents (\$.50), a set of numerals for each principal building or separate front entrance to such building. In doing so, he shall issue only numerals for the number assigned to such building under the provisions of this section. Provided, however, that the clerk may issue additional numerals in accordance with the official numbering system whenever a property has been subdivided, a new front entrance opened, or undue hardship has been worked on any property owner. (1975 code, sec. 12-114)

16-115. City park hours regulated.¹ Southwest Point and Kingston City Park and facilities contained thereon are closed for public use during the hours from 11:00 P.M. to 6:00 A.M. It shall be unlawful for any person to use Kingston City Park and Southwest Point property or facilities during said hours, except for public participation or attendance during activities or events specifically authorized by the city manager. (Ord. No. 91-1-8)

16-116. Skates and skateboards regulated. (1) Definitions. As used in the interpretation of this section, the following words shall have the meanings assigned to them:

(a) "Skates" and "roller skates." Devices fastened to or worn upon the feet for riding upon, generally known as "roller skates." The term shall include devices known as "center skates," and roller skates of any kind and description regardless of the number, location and configuration of the wheels.

(b) "Skateboard." A foot board mounted upon one or more wheels designed for riding upon, usually by, but not limited to, standing.

(2) Use on public sidewalk prohibited. It shall be unlawful for any person to ride upon skates or skateboards on the public sidewalks anywhere in the city.

¹Municipal code reference

Parks and recreation commission: title 2, chapter 1.

CHAPTER 2

EXCAVATIONS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit.
- 16-205. Safety restrictions on excavations.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.
- 16-211. Plans for driveway cuts.
- 16-212. Maximum slope.
- 16-213. Paving.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, including utility districts to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the city manager is open for business, and the permit shall be retroactive to the date when the work was begun. (1975 code, sec. 12-201)

16-202. Applications. Applications for such permits shall be made to the city manager, or such person as he may designate to receive such applications,

¹Municipal code reference

Grading and excavation code: title 12, chapter 4.

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).

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 approved by the city recorder within twenty-four (24) hours of its filing. (1975 code, sec. 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 (\$0.25) 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. (1975 code, sec. 12-203)

16-204. Deposit. No such permit shall be issued unless and until the applicant therefor has deposited with the city manager a cash deposit in the sum of twenty-five dollars (\$25.00), if no pavement is involved, and seventy-five dollars (\$75.00) if the excavation is in a paved area, to insure the proper restoration of the ground and laying of the pavement, if any, except that where the amount of the deposit is clearly inadequate to cover the cost of relaying the surface of the ground or pavement the city manager 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 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. (1975 code, sec. 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. (1975 code, sec. 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 the street, alley, or public place to its original condition except for the surfacing, which shall be done by the city but shall be paid for promptly upon completion by such person, firm, corporation,

association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the city manager 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. (1975 code, sec. 12-206)

16-207. Insurance. In addition to making the deposit hereinbefore provided to be made, each person applying for such a 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 manager in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury in effect shall not be in an amount less than \$130,000 for each person and \$350,000 for each accident and the liability insurance for property damages shall be in an amount not less than \$50,000. (1975 code, sec. 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 city manager. (1975 code, sec. 12-208)

16-209. Supervision. The person designated by the city manager 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. (1975 code, sec. 12-209)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb, sidewalk or public right-of-way without first obtaining

a permit from the city manager. Such a permit will not be issued when the contemplated driveway is to be 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.

16-211. Plans for driveway cuts. All plans submitted to the building inspector for construction within the City of Kingston, both residential and commercial, shall include plans for the driveways to be constructed and used in conjunction with the proposed structure or structures. Said plans shall include the number of driveway cuts, the length and width of same, as well as the grade of the driveways. Adequate drainage tile shall be required, when needed, based upon the drainage area to be served. Said size shall be determined by the Director of Public Works, and included upon the building permit.

16-212. Maximum slope. No portion of a driveway slope shall exceed fifteen percent (15%) slope within the required set back area as determined by the Zoning Ordinance, however, this provision shall not apply to existing lots of record with street frontage of less than fifty (50) feet or lots which have a topographical slope greater than thirty percent (30%).

16-213. Paving. All driveways shall be constructed level with the roadway within the right-of-way and shall be paved with asphalt, concrete or other permanent paving a distance of twenty (20) feet beginning at the edge of the road paving with a minimum width of ten feet (10'). This paving shall be done as completion of construction and weather permits and under no circumstances more than six (6) months after completion.

CHAPTER 3

PARKING LOT PAVING REQUIREMENTS

SECTION

16-301. Purpose.

16-302. Definitions.

16-303. Engineering specifications.

16-304. Permit required.

16-305. Alternative methods and materials.

16-301. Purpose. The purpose of this chapter is to require all driveways and parking areas and lots to be constructed with such methods and materials that the driveways or parking lots will be able to stand up to all anticipated uses and to all anticipated weather conditions, without significant damage. By use of currently prepared specifications, the city will authorize use of current knowledge of materials and methods. (as added by Ord. #5-4-12-2, May 2005)

16-302. Definitions. As used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

(1) "City." The City of Kingston.

(2) "Driveway." Any area intended to be utilized as access from a public way or private easement to a public or private structure or parking lot.

(3) "Parking lot." Any area intended for parking of motor vehicles as an accessory to any use, including but not limited to single-family residences and residence buildings for fewer than four (4) families.

(4) "Driveway or parking lot pavement." Any surface, plus the materials, if any, under the surface, constructed as a parking lot on the ground. (as added by Ord. #5-4-12-2, May 2005)

16-303. Engineering specifications. All driveways or parking lots shall be of either asphalt or concrete construction only. Asphalt driveways or parking lots shall be constructed upon land with a subsurface sufficient to support the paving material and shall be paved to a compacted depth of not less than one and one-half (1 ½) inches, and concrete driveways must be poured with a minimum thickness of four (4) inches. All driveways shall not be less than twelve (12) feet in width and shall run from the pavement line on the street frontage of each tract to the structure located upon the individual tract. Each driveway or parking lot constructed after the effective date of this chapter shall conform to the requirements set out in these specifications. The provisions of this section shall apply to all driveways or parking lots located within the city, whether publicly or privately owned. (as added by Ord. #5-4-12-2, May 2005)

16-304. Permit required. No person, firm or corporation shall construct any driveway or parking lot pavement without obtaining a permit for such construction. The contractor constructing the driveway or parking lot shall have the responsibility of obtaining such permit. When the driveway or parking lot is being constructed as a part of a project where a building permit is required, the building permit shall encompass the permit for parking lot or driveway construction and no separate permit or fee shall be required. For all other cases, the fee for such permit shall be twenty-five dollars (\$25.00). Applications for such permits and processing of such applications shall be done in the manner provided for applications for building permits. (as added by Ord. #5-4-12-2, May 2005)

16-305. Alternative methods and materials. Any applicant for a permit may submit a proposal using different methods and materials than those set out in the specifications adopted by this chapter. Upon a showing by the applicant that the proposed methods and materials will withstand the same usage and weather conditions as the methods and materials authorized in the specifications, the alternate method shall be approved and the permit issued provided, however, that any method that has not been in use or undergoing testing under conditions similar to actual use for at least three (3) years shall not be approved in accordance with this chapter. (as added by Ord. #5-4-12-2, May 2005)