

TITLE 16

STREETS AND SIDEWALKS, ETC.¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. PLANS AND SPECIFICATIONS FOR SIDEWALKS, CURBS, AND GUTTERS.
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CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Obstructions prohibited.
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- 16-104. Gates or doors opening over streets, alleys, or sidewalks prohibited.
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- 16-109. Posting of central business district zone boundaries required.
- 16-110. Games in streets.
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- 16-112. Littering streets, sidewalks, etc., prohibited.
- 16-113. Abutting property owners to keep sidewalks clean; removal of ice and snow from sidewalks.
- 16-114. Parades regulated.
- 16-115. Injury, etc., to trees and shrubs; hitching animals to same.
- 16-116. Hedges, trees, etc., at intersections.

¹Municipal code references

Related motor vehicle and traffic regulations: title 15.

Charter references

Authority to open, pave, etc., streets and sidewalks: § 5(7).

Encroachments on streets, etc.: § 5(23).

Obstructions on sidewalks; repair and cleaning of sidewalks, etc.: § 5(24).

Sidewalks--construction and repair: §§ 8 and 9.

- 16-117. Trees projecting over streets, etc.
16-118. Planting trees within street boundaries prohibited.
16-119. Permit required to haul loose dirt over public streets.
16-120. Erection or maintenance of telephone or telegraph poles prohibited within certain areas.
16-121. Storing wrecked or abandoned vehicles on streets prohibited.

16-101. Obstructions 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. The chief of police may remove, at the expense of the owner, any goods, wares, merchandise, or materials found in violation of this section. (1979 Code, § 12-101)

16-102. Banners and signs over streets. 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 city council. (1979 Code, § 12-102)

16-103. Signs, awnings, and other structures projecting over streets, etc. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code¹ and zoning ordinance of the city. (1979 Code, § 12-103)

16-104. 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. (1979 Code, § 12-104)

16-105. Discharging water over sidewalks prohibited. No person shall permit any water to be discharged from the roof or guttering of any building or from any other drain or pipe onto or across any sidewalk in the city. This section shall not be construed to prohibit any person from constructing drains under sidewalks, pursuant to the specifications of the city engineer, which will convey storm water into the gutters alongside the sidewalks and curbs. (1979 Code, § 12-105)

16-106. Discharging contaminated water, etc., into streets, etc. No person shall discharge any soap suds, slops, or other unclean or contaminated water or

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

other matter into or onto any street, alley, sidewalk, or gutter in the city. Any such discharge is hereby declared to be a public nuisance. (1979 Code, § 12-106)

16-107. Obstruction of gutters, drainage ditches, etc. No person shall obstruct or permit or cause the obstruction of any gutter or drainage ditch in any street or other public right-of-way in the city. (1979 Code, § 12-107)

16-108. Sleds, coasters, bicycles, skates, and skateboards, regulated on streets, sidewalks and other public property. No person shall use any sled, coaster, bicycle, roller skates, in-line skates or skateboard on any of the sidewalks of the city within the central business district zone of the city, as defined by the city's zoning ordinances, as may be amended from time to time, or on the city center plaza, or inside any publicly owned building. No person shall use any sled, coaster, roller skates, in-line skates or skateboard on any streets, alleys, or vehicular roadways in the city or publicly owned parking areas of the city.

Where operation of any sled, coaster, bicycle, roller skates, in-line skates or skateboard is permitted on sidewalks, the operator of same shall yield to pedestrians on such sidewalks. (1979 Code, § 12-108, as amended by Ord. #2952, July 1998, and as replaced by Ord. #3013, Oct. 1999)

16-109. Posting of central business district zone boundaries required. The boundaries of the central business district zone, as may be changed from time to time by amendment of the city's zoning ordinances, shall be defined and posted at the city center. (1979 Code, § 12-109, as amended by Ord. #2952, July 1998, and as replaced by Ord. #3013, Oct. 1999)

16-110. Games in streets. No person shall play or engage in any game of ball or any other game or sport on any of the streets, alleys, or other vehicular roadways in the city. (1979 Code, § 12-110)

16-111. Vehicles and animals prohibited on sidewalks. No person shall drive or ride any vehicle or any animal upon or over any sidewalk in the city, except where driveways or other crossings have been provided for such purpose. (1979 Code, § 12-111)

16-112. Littering streets, sidewalks etc., prohibited. It shall be unlawful for any person to litter, place, throw, or allow to fall on any street, alley, sidewalk, or other public place any refuse, glass, tacks, 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. (1979 Code, § 12-112)

16-113. Abutting property owners to keep sidewalks clean; removal of ice and snow from sidewalks. The occupants of property abutting on a sidewalk shall keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants shall remove all accumulated snow or ice from the abutting sidewalk. (1979 Code, § 12-113)

16-114. 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 without some responsible representative first securing a permit therefor from the city council. No permit shall be granted by the city council 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 may be left on the streets as a result of the activity. 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. (1979 Code, § 12-114)

16-115. Injury, etc., to trees and shrubs; hitching animals to same. No person shall, without proper authority, willfully or maliciously break, cut, pull down, or otherwise injure any tree or shrub planted on public property along any street or in any other public place in the city.

No person shall hitch or tie any animal to any tree or shrub planted on public property along any street or in any other public place in the city. (1979 Code, § 12-115)

16-116. Hedges, trees, etc., at intersections. It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, hedge, billboard, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1979 Code, § 12-116)

16-117. Trees projecting over streets, etc. 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 or sidewalk at a height of less than fourteen (14) feet. (1979 Code, § 12-117)

16-118. Planting trees within street boundaries prohibited. It shall be unlawful for any person to plant any trees within the boundaries of any street, alley, or public way within the city. (1979 Code, § 12-118)

16-119. Permit required to haul loose dirt over public streets. No person shall haul loose dirt over the public streets of the city without first securing a permit for such hauling from the city engineer. (1979 Code, § 12-119)

16-120. Erection or maintenance of telephone or telegraph poles prohibited within certain areas. It shall be unlawful and a nuisance for any person to erect or maintain telephone or telegraph poles on Main Street between Hill Street and Pence Court Street, Cumberland Street between First North Street and the Southern Railway tracks, and Henry Street between First North Street and the Southern Railway tracks. (1979 Code, § 12-120)

16-121. Storing wrecked or abandoned vehicles on streets prohibited. It shall be unlawful for any person, firm, corporation, or association, or any other party owning, or in charge or control of any junked, wrecked, disabled, inoperable, or abandoned vehicles to permit or allow such vehicles to be placed, maintained, parked or stored in or on any public street, highway, or right-of-way thereof within the corporate limits of the city.

The building inspector or any police officer of the city is hereby authorized to remove or have removed any vehicle being maintained in violation of this section, and no such vehicle so removed shall be reclaimed until the cost of such removal has been paid. (1979 Code, § 12-121)

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

- 16-201. Permit required.
- 16-202. Application for permit.
- 16-203. Fees.
- 16-204. Deposit or bond.
- 16-205. Bond and license.
- 12-206. Insurance.
- 16-207. Barricades, warning lights, and temporary sidewalks.
- 16-208. Time within which work to be completed.
- 16-209. Supervision.
- 16-210. Depth of burial in public rights of way.
- 16-211. Restoration of streets, etc.

16-201. Permit required. No person, firm, or corporation, shall make any excavation in any street, alley, or public place, or tunnel under any street, alley, or public place without having first obtained a permit as required by this chapter, and without complying with the provisions of this chapter. It shall be unlawful to violate or vary from the terms of any such permit, provided, that 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 engineer is open for business, and such permit shall be retroactive to the date when the work was begun. Prior to the issuance of a permit for any existing facilities along with the work proposed in the adjacent area shall be submitted for the approval of the city engineer. (1979 Code, § 12-201)

16-202. Application for permit. Applications for permits required by this chapter shall be made to the city engineer, 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

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).

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 engineer within twenty-four (24) hours of its filing. (1979 Code, § 12-202)

16-203. Fees. A nonreturnable filing fee shall be charged for each application for a permit under this chapter, to cover clerical costs and investigations. This filing fee is over and above the cost of the permit itself.

In addition to the filing fee, fees established by resolution by the city council shall be charged for the issuance of the permit required by this chapter. The fees required by this section shall not apply to work undertaken by the city. (1979 Code, § 12-203)

16-204. Deposit or bond. No permit required by this chapter shall be issued until the applicant therefor has deposited with the city engineer a cash deposit in an amount to be specified by the city engineer to insure the proper restoration of the ground and, laying of the pavement, if any. 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 engineer a surety bond in such form and amount as the city engineer shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1979 Code, § 12-204)

16-205. Bond and license. (1) No person, firm, or corporation (including those persons, contractors, or contractors' representatives working for a public utility) shall engage in any work within the public rights-of-way until such aforementioned parties shall have secured a license as hereinafter provided, and shall have executed and delivered to the city recorder of the City of Morristown good and sufficient bond in the penal sum of \$5,000.00 with corporate surety, conditioned for the faithful performance of all such work, entered upon or contracted for, in strict accordance with the plans submitted and approved, and in compliance with the provisions of this chapter.

The bond herein required shall expire on the first day of January next following its approval by the city recorder, and thereafter on the first day of January of each year a new bond, in the form, and substance as herein required, shall be given by such aforementioned parties to cover all such work as shall be done during such year.

(2) Upon approval of said bond, the aforementioned parties desiring to do such work shall secure from the city recorder a nontransferable license which shall run until the first day of January next succeeding issuance, unless

sooner revoked. The parties aforementioned obtaining a license shall pay an annual license fee of \$20.00 to the city recorder; provided, however, any license obtained after the first day of July shall be computed at the rate of one-half ($\frac{1}{2}$) of the annual fee. (1979 Code, § 12-205)

16-206. Insurance. In addition to making the deposit or giving the bond required by this chapter 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 is 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 engineer in accordance with the nature of the risk involved; provided, 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. (1979 Code, § 12-206)

16-207. Barricades, warning lights, and temporary sidewalks. Suitable barricades, satisfactory to the city engineer, to protect pedestrians and vehicles from the tunneling or excavating, shall be kept in place throughout the project or until such time as the city engineer shall grant permission to remove the same.

During the period from sunset to sunrise of each day, lights suitable and adequate to warn persons of such excavation or tunnel shall be kept in place.

If any sidewalk is blocked by any excavation or tunnel, a temporary sidewalk shall be constructed, which shall be safe for travel and convenient for users. (1979 Code, § 12-207)

16-208. Time within which work to be completed. Each application for a permit under this chapter 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 is to restore 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 engineer. (1979 Code, § 12-208)

16-209. Supervision. The city engineer 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 enforce 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. (1979 Code, § 12-209)

16-210. Depth of burial in public rights of way. Those facilities, including utilities, being placed underground within the public right-of-way shall be buried no less than thirty inches (30") deep and in such a manner as to protect same from physical damage. (1979 Code, § 12-210)

16-211. 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 such street, alley, or public place to its original conditions. In case of unreasonable delay in restoring the street, alley, or public place, the city engineer 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. (1979 Code, § 12-211)

CHAPTER 3

PLANS AND SPECIFICATIONS FOR
SIDEWALKS, CURBS, AND GUTTERS

SECTION

16-301. Sidewalks, curbs, and gutters to be constructed in accordance with plans and specifications.

16-302. Grade of sidewalks, curbs, and gutters.

16-303. City engineer to establish plans, specifications, and grades.

16-304. Replacement of improperly constructed sidewalks, etc.

16-301. Sidewalks, curbs, and gutters to be constructed in accordance with plans and specifications. All sidewalks, curbs, and gutters constructed or repaired within the city shall be constructed or repaired in accordance with plans and specifications on file in the office of the city engineer. (1979 Code, § 12-301)

16-302. Grade of sidewalks, curbs, and gutters. All sidewalks, curbs, and gutters constructed or repaired within the city shall be constructed at the grade established by the city engineer. (1979 Code, § 12-302)

16-303. City engineer to establish plans, specifications, and grades. The city engineer shall establish standard plans and specifications for the construction and repair of sidewalks, curbs, and gutters within the city. Such plans and specifications shall be approved by resolution of the city council.

The city engineers shall also establish grades for all sidewalks, curbs, and gutters. Such grades shall be approved by resolution of the city council. (1979 Code, § 12-303)

16-304. Replacement of improperly constructed sidewalks, etc. If any person shall fail to comply with the plans, specifications, or grades established by the city engineer in the construction or repair of any sidewalks, curbs, or gutters, the city engineer may take up such sidewalk, curb, or gutter and reconstruct the same according to proper plans and specifications or at proper grade. The expense of such work shall be charged to the person who constructed or repaired such sidewalk, curb, or gutter or who caused the same to be done. Such reconstruction shall be in addition to any other penalty imposed for the violation of this chapter. (1979 Code, § 12-304)

CHAPTER 4

NUMBERING OF BUILDINGS AND PROPERTIES

SECTION

- 16-401. Uniform system and map adopted.
- 16-402. Assignment of numbers.
- 16-403. Placing of numbers on building.
- 16-404. Recorder to issue numerals for buildings.
- 16-405. Administration.

16-401. Uniform system and map adopted. A uniform system of numbering properties and principal buildings, as shown on the map identified by the title "Official Property Numbering Map" which is filed in the office of the recorder, is hereby adopted for use in the city. This map and all explanatory matter thereon is hereby adopted and made a part of this chapter as though fully set out herein. (1979 Code, § 12-401)

16-402. Assignment of numbers. All properties or parcels of land within the city shall be identified by reference to the uniform numbering system adopted by this chapter. (1979 Code, § 12-402)

16-403. Placing of numbers on buildings. 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. Such numerals may be obtained without charge from the recorder, as provided in § 16-404. (1979 Code, § 12-403)

16-404. Recorder to issue numerals for buildings. The recorder shall issue to any property owner in the city, upon request and without charge, 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 chapter, provided, that the recorder may issue additional numerals in accordance with the official numbering system whenever a property has been subdivided a new front entrance. (1979 Code, § 12-404)

16-405. Administration. The recorder shall be responsible for maintaining the numbering system adopted by this chapter. The recorder shall keep a record of all numbers assigned under this chapter. (1979 Code, § 12-405)