

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. EXCAVATIONS AND CUTS.
2. HOUSE NUMBERING AND STREET NAMING SYSTEM.
3. OBSTRUCTING, INTERFERING WITH AND ABUSING STREETS AND OTHER PUBLIC WAYS AND PLACES.

CHAPTER 1

EXCAVATIONS AND CUTS²

SECTION

- 16-101. Permit required.
- 16-102. Applications.
- 16-103. Fee.
- 16-104. Deposit or bond.
- 16-105. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-106. Restoration of streets, etc.
- 16-107. Insurance.
- 16-108. Time limits.
- 16-109. Supervision.
- 16-110. Driveway curb cuts.

16-101. 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

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

²State 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).

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 said permit shall be retroactive to the date when the work was begun.

It shall be unlawful for any person, firm, corporation, public or private utility association, or others to make any cut or excavation in any street/alley without first notifying the city manager or his designee. However, persons maintaining pipes, lines, etc., within the city right-of-ways may proceed with an opening when emergency circumstances demand the work be done immediately. Upon notification of the work the city manager or his designee shall provide the person/s with specifications for restoration of the street/alley. (1985 Code, § 12-101)

16-102. Applications. Applications for such permits shall be made to the city manager, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the city manager (or his designee) within twenty-four (24) hours of its filing. (1985 Code, § 12-102)

16-103. 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. (1985 Code, § 12-103)

16-104. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the city 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 manager (or his designee) 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 a surety bond in such form and amount as the city manager (or his designee) shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1985 Code, § 12-104)

16-105. 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. (1985 Code, § 12-105)

16-106. Restoration of streets, etc. Any person, firm, corporation, public or private utility, association, or others making any excavation in or under any street/alley in the right-of-way of the City of Lewisburg shall upon the completion of the work backfill and restore by resurfacing the street/alley according to the specifications and standards of the City of Lewisburg.

In case of unreasonable delay in restoring the street, alley, or public place, the city manager (or his designee) shall give notice to the person, firm, corporation, public or private utility, 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, public or private utility, association, or others who made the excavation or tunnel. (1985 Code, § 12-106, modified)

16-107. 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 manager (or his designee) 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. (1985 Code, § 12-107)

16-108. 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 limitation unless permission for an extension of time is granted by the city manager (or his designee). (1985 Code, § 12-108)

16-109. Supervision. The city manager (or his designee) 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. (1985 Code, § 12-109)

16-110. 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 manager (or his designee). 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. (1985 Code, § 12-110)

CHAPTER 2

HOUSE NUMBERING AND STREET NAMING SYSTEM

SECTION

- 16-201. Uniform system for numbering buildings established.
- 16-202. Division of city into north, south, east, and west areas.
- 16-203. Allocation of numbers for buildings generally.
- 16-204. Allocation of numbers for buildings on streets not extending to the base lines.
- 16-205. Assignment and display of building numbers.
- 16-206. Plat book showing proper numbers to be kept.
- 16-207. Building inspector to administer system.
- 16-208. Numbers for new buildings.
- 16-209. Official street names map adopted.
- 16-210. Planning commission to approve all street names in new subdivisions.

16-201. Uniform system for numbering buildings established.

There is hereby established a uniform system for numbering buildings fronting on all streets, avenues, and public ways in the City of Lewisburg, and all houses and other buildings shall be numbered in accordance with the provisions of this chapter. (1985 Code, § 12-201)

16-202. Division of city into north, south, east, and west areas.

Commerce Street shall constitute the base line which will divide the city into northern and southern parts. Hereafter all streets north of the base line and running generally in a northerly-southerly direction shall be considered "North" streets and, likewise, all streets south of this base line and running generally in a northerly-southerly direction shall be considered "South" streets. First Avenue shall be considered the base line which divides the city into east and west parts. Hereafter streets east of this base line and running in a generally easterly-westerly direction shall be considered "East" streets and, likewise, streets west of First Avenue and running in a generally easterly-westerly direction shall be considered "West" streets.

(1) Each building north of Commerce Street and facing a street running in a northerly direction shall carry a number and address indicating its location north of said base street.

(2) Each building south of Commerce Street and facing a street running in a southerly direction shall carry a number and address indicating its location south of said base street.

(3) Each building east of First Avenue, and facing a street running in an easterly direction shall carry a number and address indicating its location east of said base street.

(4) Each building west of First Avenue, and facing a street running in a westerly direction shall carry a number and address indicating its location west of said base street.

(5) All buildings on diagonal streets shall be numbered the same as buildings on northerly and southerly streets if the diagonal runs more from the north to the south, and the same rule shall apply on easterly and westerly streets if the diagonal runs more from the east to the west. (1985 Code, § 12-202)

16-203. Allocation of numbers for buildings generally. The numbering of buildings on each street shall begin at the base line. All numbers shall be assigned on the basis of one number for 20 feet of frontage along the street. Grid lines, as shown on the property numbering map, indicate the point at which numbers will change from one hundred to the next higher hundred. All buildings on the south of east-west streets and east of north-south streets shall bear odd numbers, and likewise all buildings on the north side of east-west streets and west of north-south streets shall bear even numbers.

(1) Where any building has more than one entrance serving separate occupants, a separate number shall be assigned to each entrance serving an occupant.

(2) The building shall be assigned the number of the 20 foot interval in which the main entrance of the building falls. In measuring the 20 foot intervals of street frontage, if the main entrance of the building falls exactly upon the line which divides a 20 foot interval from the next higher interval, either the number of the lower interval or the number of the next higher interval will be assigned to that entrance.

(3) A multiple family dwelling having one main entrance shall be assigned only one number, and separate apartments in the building will carry a letter designated such as A, B, C, in addition to the number assigned to the main entrance of the building.

(4) The duplex houses having 2 front entrances shall have a separate number for each entrance. In the event that both entrances fall within the same increment, either the preceding number or next higher number shall be used for one entrance number and the interval number in which the entrances fall shall be used for the other entrance. (1985 Code, § 12-203)

16-204. Allocation of numbers for buildings on streets not extending to the base lines. All buildings facing streets not extending through to the base line shall be assigned the same relative numbers as if the said street had extended to the said base line. (1985 Code, § 12-204)

16-205. Assignment and display of building numbers. The city council shall cause the necessary survey to be made and completed within six months from the date of the adoption of the provisions in this chapter and

thereafter there shall be assigned to each house and other residential or commercial buildings located on any street, avenue, or public way in said city, its respective number under the uniform system provided for in this chapter according to said survey.

(1) Such numbers shall be placed on existing buildings on or before the effective date of the provisions in this chapter, and within 20 days after the assigning of the proper number in the case of numbers assigned after said effective date. The numbers used shall not be less than three inches in eighth and shall be made of a durable and clearly visible material.

(2) The numbers shall be conspicuously placed immediately above, on, or at the side of the proper door of each building so that the number can be seen plainly from the street line. Whenever any building is situated more than fifty feet from the street line, the numbers shall be placed near the walk, driveway, or common entrance to such building upon a gate post, tree, post, or other appropriate place so as to be easily discernible from the sidewalk. (1985 Code, § 12-205)

16-206. Plat book showing proper numbers to be kept. For the purpose of facilitating correct numbering, a plat book of all streets, avenues, and public ways within the city showing the proper numbers of all houses or other buildings fronting upon all streets, avenues, or public ways shall be kept on file in the city recorder's office. These plats shall be open to inspection to all persons during the office hours of the city recorder. Duplicate copies of such plats shall be furnished to anyone designated by the city recorder. (1985 Code, § 12-206)

16-207. Building inspector to administer system. It shall be the duty of the building inspector to inform any party applying therefor of the number or numbers belonging to or embraced within the limits of any said lot or property as provided in this chapter. In case of conflict as to the proper number to be assigned to any building, the building inspector shall determine the number of each building. (1985 Code, § 12-207, modified)

16-208. Numbers for new buildings. Whenever any house, building, or structure shall be erected or located in the City of Lewisburg after the establishment of a uniform system of house and building numbering has been completed, in order to preserve the continuity and uniformity of numbers of the houses, buildings, and structures, it shall be the duty of the owner to procure the correct number or numbers, as designated, from the building inspector for the said property and to immediately fasten the said number or numbers so assigned upon said building as provided by this chapter. No building permit shall be issued for any house, building, or structure until the owner has procured from the building inspector the official number of the premises. (1985 Code, § 12-208)

16-209. Official street names map adopted. For the purpose of clarifying and systematizing the present street naming pattern of the City of Lewisburg, and to implement the application of the matters set forth in previous sections, there is hereby established an official system of street names in the City of Lewisburg as shown on the map entitled "Official Street Names Map" as produced by the municipal planning commission, a copy of which is of record in the city recorder's office.

(1) Names of streets in the City of Lewisburg shall remain as shown on said map unless officially changed by specified ordinance passed subsequent to this date.

(2) No new streets shall be accepted by the city nor municipal improvements made therein until such streets have been named. If they are extension of existing streets, the existing names shall be continued, and if not extensions, names recorded shall not duplicate or closely approximate street names already assigned. (1985 Code, § 12-209)

16-210. Planning commission to approve all street names in new subdivisions. Every subdivision plat submitted to the planning commission for approval after April 6, 1953, shall show the proper names of any and all streets and these street designations shall be approved by the planning commission before such new streets are officially named. (1985 Code, § 12-210)

CHAPTER 3

OBSTRUCTING INTERFERING WITH AND ABUSING STREETS AND OTHER PUBLIC WAYS AND PLACES

SECTION

- 16-301. Obstructing streets, alleys, or sidewalks prohibited.
- 16-302. Trees projecting over streets, etc., regulated.
- 16-303. Trees, etc., obstructing view at intersections prohibited.
- 16-304. Projecting signs and awnings, etc., restricted.
- 16-305. Banners and signs across streets and alleys restricted.
- 16-306. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-307. Littering streets, alleys, or sidewalks prohibited.
- 16-308. Obstruction of drainage ditches.
- 16-309. Obstruction of streets prohibited.
- 16-310. Parades, etc., regulated.
- 16-311. Animals and vehicles on sidewalks.
- 16-312. Fires in streets, etc.
- 16-313. Political signs and advertisements.
- 16-314. Remedy for violation.

16-301. 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 when expressly authorized in writing by the city manager after a finding that no hazard will be created thereby. (1985 Code, § 12-301)

16-302. 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 except when expressly authorized in writing by the city manager after a finding that no hazard will be created by such banner or sign. (1985 Code, § 12-302)

16-303. 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. (1985 Code, § 12-303)

16-304. 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. (1985 Code, § 12-304)

16-305. 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. (1985 Code, § 12-305)

16-306. 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 statute. (1985 Code, § 12-306)

16-307. 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. (1985 Code, § 12-307)

16-308. 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 or in or on the persons own property. (1985 Code, § 12-308, modified)

16-309. Obstruction of streets prohibited. No person shall willfully obstruct or hinder traffic of any street or highway by stopping or parking any vehicle in or upon such street or highway or place any object thereon in such a manner as to obstruct, hinder or interfere with normal use thereof. (1985 Code, § 12-309)

16-310. Parades, etc., 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 from the city manager. No permit shall be issued by the city manager 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 to his agreement to immediately clean up the resulting litter. (1985 Code, § 12-310)

16-311. Animals and vehicles on side walks. 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 a manner as to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be

unlawful for any person to knowingly allow any minor under his control to violate this section. (1985 Code, § 12-312)

16-312. 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. (1985 Code, § 12-313)

16-313. Political signs and advertisements. The following regulations shall govern political signs and advertisements, etc., on public rights of way within the corporate limits:

(1) All political signs, advertisements, and other such material placed on the right-of-way of any public street, drive, parkway, alley or other public thoroughfare shall be removed within fifteen (15) days following the election for which said signs are applicable.

(2) If the signs are not removed within the fifteen (15) day period, the city may remove the signs and charge the cost of such removal to the person who placed, authorized the placement, or caused the placement of the signs on the public right-of-way.

(3) Any person responsible for the removal of the signs and who fails to do so within the fifteen (15) day period and if found guilty of failing to remove signs within the fifteen (15) day period, shall be liable for the costs of removing the signs in addition to a fine under the general penalty provisions of this code of ordinances. (1985 Code, § 12-314)

16-314. Remedy for violation. In addition to any fine which may be levied under the general penalty provision of this code for a violation of this chapter, the city manager is authorized to enter said real property and to take reasonable and necessary action to affect compliance with the provisions of this chapter. The cost thereof shall be a charge against the person owning and/or occupying the property and shall be a lien against said property. (1985 Code, § 12-315)