

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

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CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades, etc., regulated.
- 16-111. Animals and vehicles on sidewalks.
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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. (1976 Code, § 12-101)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project out over any street, alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1976 Code, § 12-102)

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

16-103. Trees, etc., obstructing view at intersections prohibited. It shall be unlawful and a nuisance 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. When such property owner or occupant fails to abate such nuisance after reasonable notice and order to do so, the Town of Erwin, acting through and by its street committee, may abate such nuisance, and remove such obstruction. The cost and expense thereof shall be and stand assessed as a lien against the property involved and shall be immediately due and payable. (1976 Code, § 12-103)

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.¹ (1976 Code, § 12-104)

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across any public street or alley except when expressly authorized by the board of mayor and aldermen after a finding that no hazard will be created by such banner or sign. (1976 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 statute. (1976 Code, § 12-106)

16-107. Littering streets, alleys, or sidewalks prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, or sidewalk any refuse, glass, tacks, mud, or other objects or materials which are unsightly or which obstruct or tend to limit or interfere with the use of such public ways and places for their intended purposes. (1976 Code, § 12-107)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1976 Code, § 12-108)

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean.

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. (1976 Code, § 12-109)

16-110. Parades, etc., regulated. It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first 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. 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. (1976 Code, § 12-110)

16-111. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1976 Code, § 12-112)

16-112. Use of skateboards, roller skates, etc., on streets, sidewalks, etc. It shall be unlawful to operate skateboards, roller skates, scooters, coasters, bicycles, wagons or other toys of like kind, by whatever name called, upon the streets, sidewalks, avenues and other public places within the central business district (B-3) and the supporting central business district (B-4) of the Town of Erwin, Tennessee, and within that portion of the arterial business district (B-2) of the Town of Erwin, Tennessee, which lies adjacent to North Main Avenue in the Town of Erwin, Tennessee; provided however, it shall not be unlawful to operate bicycles having wheels each of which equals or exceeds twenty (20) inches in diameter, and which meets all other specifications of any applicable laws or ordinances, upon the streets and avenues within said specified districts of the Town of Erwin, Tennessee. (Ord. #504, Jan. 1988)

16-113. 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. (1976 Code, § 12-114)

16-114. Street acceptance policy. In order to provide for adequate street improvements, elimination of traffic congestion, and the health, safety, and general welfare of the citizens of the Town of Erwin, the board of mayor and aldermen shall not accept as a public street any recorded right-of-way until it has met the minimum standards herein described.

(1) The proposed street shall have a right-of-way width of at least fifty (50) feet unless the requirement would cause undue hardship.

(2) All roadway improvements of proposed streets shall meet the roadway standards as outlined in article IV, section A, subsections a, b, c and d of the Erwin, Tennessee, Subdivision Regulations,¹ said subdivision regulations adopted by the Erwin Planning Commission on November 18, 1968.

(3) Prior to final acceptance of a proposed street as the public street, the Erwin Planning Commission shall study a plat of the proposed street and make its approval or disapproval known to the board of mayor and aldermen. (1976 Code, § 12-115)

¹Subdivision regulations for the Town of Erwin, Tennessee are of record in the office of the city recorder.

CHAPTER 2

EXCAVATIONS AND CUTS¹

SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.

16-201. 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. (1976 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

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).

to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1976 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. (1976 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 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 recorder 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 town of relaying the surface of the ground or pavement, and of making the refill if this is done by the town 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 town if the applicant fails to make proper restoration. (1976 Code, § 12-204)

16-205. Manner of excavating--barricades and lights--temporary sidewalks. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1976 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 town shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the town, but shall be paid for by such person, firm, corporation, association, or others promptly upon the completion of the work for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the recorder 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 town 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 town, 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. (1976 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 \$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. (1976 Code, § 12-207)

16-208. Time limits. Each application for a permit shall state the length of time it is estimated will elapse from the commencement of the work until the restoration of the surface of the ground or pavement, or until the refill is made ready for the pavement to be put on by the town if the town 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. (1976 Code, § 12-208)

16-209. Supervision. The recorder 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 town 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. (1976 Code, § 12-209)

16-210. Driveway curb cuts. No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the recorder. 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. (1976 Code, § 12-210)

CHAPTER 3

HOUSE AND BUSINESS NUMBERING

SECTION

16-301. City recorder's responsibility.

16-302. Placement of numbers.

16-303. Size of numbers.

16-304. Approval.

16-301. City recorder's responsibility. The city recorder shall be responsible for determining the correct number of properties located within the corporate limits of the Town of Erwin. (Ord. #502, Oct. 1987)

16-302. Placement of numbers. All numbers shall be placed conspicuously above, on, or at the side of the proper door of each building, or each unit of the building which has an outside entrance, so that the number can be plainly seen from the street line. Should the distance from the street line to the door inhibit discernment of numbers placed on the building, then the numbers should be placed upon a gate post, fence post or other appropriate place easily seen from the street line. (Ord. #502, Oct. 1987)

16-303. Size of numbers. All numbers placed on buildings shall be at least three (3) inches high. (Ord. #502, Oct. 1987)

16-304. Approval. No final approval of the remodeling or construction of buildings shall be granted by the city building inspection department or the city recorder until conspicuous numbers have been placed thereon. (Ord. #502, Oct. 1987)

CHAPTER 4

RAILROADS REGULATED

SECTION

- 16-401. Annual information statement required.
- 16-402. Signal lights at crossings.
- 16-403. Railroads to provide adequate crossings.
- 16-404. Lowering of crossing gates.
- 16-405. Lowering of two crossing gates thereby blocking traffic.
- 16-406. Blowing whistles or horns.
- 16-407. Enforcement.

16-401. Annual information statement required. Any railroad operating within the corporate limits of the Town of Erwin shall submit an annual information form to the town, said form listing the address of the railroad's local office, the railroad's corporate headquarters, telephone numbers of both offices, and the names of contact persons at both offices. This form shall be due within thirty (30) days after being mailed to railroads operating within the town. No fee shall be charged for the filing of this information return. Failure to complete and file the annual information return in a timely manner shall be considered a violation of this chapter. (Ord. #551, Nov. 1995)

16-402. Signal lights at crossings. All railroad crossings of public streets within the town shall be controlled as required by state law. (Ord. #551, Nov. 1995)

16-403. Railroads to provide adequate crossings. It shall be the duty of the railroad companies operating within the town to provide a good and substantial crossing at its intersection with public streets, to the result and effect that motor vehicles may cross the tracks in safety and without damage. It shall be the duty of railroad companies to adequately pave at its own expense any portion of a public street which lies within its railroad right-of-way. (Ord. #551, Nov. 1995)

16-404. Lowering of crossing gates. It shall be unlawful for any railroad company, employee, officer, agent, or servant, to keep the gates at a crossing to be down in such a manner as to prevent or prohibit the use of any street for purposes of vehicular travel for a continuous period of time longer than ten (10) minutes. (Ord. #551, Nov. 1995)

16-405. Lowering of two crossing gates thereby blocking traffic. It shall be unlawful for any railroad company, employee, officer, agent, or servant, to allow the gates at two (2) railroad crossings to be lowered or activated in such

a manner as to hold or "entrap" any vehicle at any time between two (2) sets of railroad crossing tracks. (Ord. #551, Nov. 1995)

16-406. Blowing whistles or horns. It shall be unlawful for any railroad company, employee, officer, agent, or servant, to blow the whistle or horn on an engine, from 10:00 P.M. in the evening until 6:00 A.M. in the morning, within the corporate limits of the Town of Erwin, unless inclement weather or an emergency exists, or unless the use of said whistle or horn is necessary to prevent personal injury, an accident, or the imminent loss of life. (Ord. #551, Nov. 1995)

16-407. Enforcement. When a police or municipal officer observes a violation of this chapter, he or she shall complete a citation form showing the date and time of said violation, and such other pertinent information as may be necessary and shall sign the citation. The citation shall not be issued to any employee of the railroad, but shall be issued to the violating railroad company. The citation shall be mailed to the railroad company's local office (if any), with a copy mailed to the railroad's corporate headquarters shown on the annual information return. The notice shall contain a date and time for the railroad company or its authorized agent or representative to appear and answer the charge. Each violation shall be considered a separate charge. The fine imposed may be up to the maximum permitted by law. (Ord. #551, Nov. 1995)