

## TITLE 16

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

## CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. PROPERTY NUMBERING SYSTEM.

## 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, regulated.
- 16-111. Animals and vehicles on sidewalks.
- 16-112. Fires in streets, etc.

**16-101. Obstructing streets, alleys, or sidewalks prohibited.** No person shall use or occupy any portion of any public street, alley, sidewalk, or right of way for the purpose of storing, selling, or exhibiting any goods, wares, merchandise, or materials. (1983 Code, § 12-201)

**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 or sidewalk at a height of less than fourteen (14) feet. (1983 Code, § 12-202)

**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, hedge, billboard, or other obstruction which prevents

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<sup>1</sup>Municipal code reference

Related motor vehicle and traffic regulations: title 15.

persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1983 Code, § 12-203)

**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 town council. (1983 Code, § 12-204)

**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 town council. (1983 Code, § 12-205)

**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. (1983 Code, § 12-206)

**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. (1983 Code, § 12-207)

**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. (1983 Code, § 12-208)

**16-109. Abutting occupants to keep sidewalks clean, etc.** The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1983 Code, § 12-209)

**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 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 immediately clean up the resulting litter. (1983 Code, § 12-210)

**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 to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1983 Code, § 12-212)

**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. (1983 Code, § 12-213)

**CHAPTER 2****EXCAVATIONS AND CUTS<sup>1</sup>****SECTION**

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. 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 mayor is open for business, and said permit shall be retroactive to the date when the work was begun. (1983 Code, § 12-101)

**16-202. Applications.** Applications for such permits shall be made to the mayor, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating

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<sup>1</sup>State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

to the work to be done. Such application shall be rejected or approved by the mayor within twenty-four (24) hours of its filing. (1983 Code, § 12-102)

**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. (1983 Code, § 12-103)

**16-204. Deposit or bond.** No such permit shall be issued unless and until the applicant therefor has deposited with the mayor 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 mayor may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the Town of White Bluff 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 mayor a surety bond in such form and amount as the mayor shall deem adequate to cover the costs to the Town of White Bluff if the applicant fails to make proper restoration. (1983 Code, § 12-104)

**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. (1983 Code, § 12-105)

**16-206. Restoration of streets, etc.** Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, sidewalk or public place or causing destruction to or defacement of any street, alley, sidewalk, or public place in the Town of White Bluff shall restore said street, alley, sidewalk, or public place to its original condition except for the surfacing, which shall be completed 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, tunnel, destruction, or defacement was made. In case of unreasonable delay in restoring the street, alley, sidewalk, or public place; the mayor shall give notice to the person, firm, corporation, association, or others that unless the excavation, tunnel, destruction, or defacement is repaired properly within a specified reasonable period of time; the Town of White Bluff will do the work and charge the expense of doing the same to such person, firm, corporation, association, or other. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the Town of White Bluff, 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, tunnel, destruction or defacement. (1983 Code, § 12-106, as amended by Ord. #308, Feb. 2010)

**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 mayor 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. (1983 Code, § 12-107)

**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 mayor. (1983 Code, § 12-108)

**16-209. Supervision.** The town marshal 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 of White Bluff 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. (1983 Code, § 12-109)

**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 mayor. 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. (1983 Code, § 12-110)

## CHAPTER 3

### PROPERTY NUMBERING SYSTEM

#### SECTION

- 16-301. Uniform numbering system.
- 16-302. Assignment of street numbers.
- 16-303. Posting of designated street address.
- 16-304. New buildings and administration.
- 16-305. Penalties.

**16-301. Uniform numbering system.** (1) A uniform system is hereby established for numbering properties and principal buildings fronting on all public and private streets, avenues, boulevards, roads, lanes, alleys, and other ways in the Town of White Bluff, as designated on the map of the town. The town map and all explanatory matter therein, is hereby made a part of this chapter, and a copy shall be found in the city recorder's office and the city building inspector's office.

(2) The Town of White Bluff shall keep a record of all numbers assigned under this chapter and shall maintain a copy of such records in the city recorder's office. Any unincorporated area adjacent to the city may be permitted to be part of or an extension of the town's property numbering system if approved by the local post master and respective governmental jurisdiction. (Ord. #152, May 1996)

**16-302. Assignment of street numbers.** (1) Property numbers for all properties or parcels of land, dwelling units, or places of business, shall be assigned by the Town of White Bluff in accordance with the provisions outlined herein.

(2) The owner, occupant, person or corporation occupying or responsible for any property, dwelling, or building to which a number has been assigned will be notified in writing by the Town of White Bluff of the assigned number after passage of this chapter.

(3) A whole number shall be assigned for every interval of ground whether lot or parcel is improved or vacant. All property shall be assigned a property number in accordance with the interval schedule as follows; and designated on the property numbering system map:

(Reserved)

(Ord. #152, May 1996)

**16-303. Posting of designated street address.** (1) Each principal building shall display the number assigned to the frontage on which the front entrance is located. In case a principal building is occupied more than one



business or family dwelling unit, each separate front entrance may display a separate number.

(2) Numerals indicating the official numbers for each principal or each front entrance to such building shall be placed either over or at the side of the main entrance of said building or upon the front of any porch or stoop thereof, or upon or over or at the side of any gateway leading thereto, or the steps thereof in such manner that the same be plainly seen and distinguishable from the street on which the property is located and in such manner that the same shall not be hidden from view by any trees or shrubs or other obstructions. All units that do not allow ready or easy visibility of its address numerals from the street due to excessive set-back, shrubbery, or color shall place a parcel identification marker near the entrance or driveway to the parcel. Such identification marker shall contain the parcel's designated address.

(3) All building numbers displayed shall be permanent, legible fixtures not less than 2 ½ inches nor more than 5 inches high and of a color contrasting to the building background.

(4) It shall be the duty of the owner or occupant or person in charge of each principal building upon affixing the new numbers to remove any different number which might be mistaken for, or confused with, the number assigned to said structure by the building inspector, or his designee.

(5) It shall be permissible to have property address numerals painted on the curb in front of a lot. Such curbside designations shall be positioned in front of the unit or between the driveway and half the distance of the frontage along the public street. All painted numerals displayed on curbs shall be permanent, legible, blue or black colored numerals, which are no more nor less than 4 inches high on a white contrasting background. The background shall be no more nor less than 6 inches by 4 inches. All paint shall be of an alkyd resin, type F traffic paint or an equal approved by the building inspector. Numerals shall have glass beads or similar materials for reflective purposes. Painted curbside numerals shall not replace the required assigned numerals which are to be placed on the front entrance to all principal buildings as provided in this section. Further, painted curbside numerals shall not replace parcel identification markers which are required by this section if a unit is not easily visible from the street due to an excessive set-back. (Ord. #152, May 1996)

**16-304. New buildings and administration.** (1) The city's building inspector, or his designee, shall assign the numbers to each lot or tract which may hereafter be platted, and shall indicate the same upon an approved final subdivision plat.

(2) No building permit shall be issued for any principal building until the owner or developer has procured from the building inspector or his designee, the official number of the premises. Final approval of a certificate of occupancy of any principal building erected or repaired after the adoption of this chapter

shall be withheld until permanent and proper numbers have been displayed in accordance with § 16-303 of this chapter.

(3) The building inspector, or his designee, shall issue to any person, corporation, or property owner, upon request and without charge a set of numerals for each principal building or separate front entrance to each building. He shall issue only numerals for the numbers assigned to each building under the provisions outlined in this chapter. The building inspector will also issue to individuals, corporations, or property owner, upon request any parcel identification marker if determined by the inspector that the unit is not visible from the right-of-way. No orders for address numerals shall transpire six (6) months from the enactment of this chapter. After six months from the enactment of this chapter, all owners, occupants, persons, or corporations, shall bear any and all expenses associated with posting and erecting address numerals or identification markers. (Ord. #152, May 1996)

**16-305. Penalties.** In the event that an owner, occupant, person or corporation responsible for any parcel or unit or building refuses to comply with the terms herein stated by failing to affix the number assigned within six (6) months after adoption of this chapter or thirty (30) days after notification of assigned number shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than fifty (\$50.00) dollars. Each day the unit or property is in violation of this chapter shall constitute a separate offense. (Ord. #152, May 1996)