

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. IMPROPER USE OF WALKING TRACKS.
4. DEPOSITING GARBAGE.

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. Obstruction of drainage ditches.
- 16-108. Abutting occupants to keep sidewalks clean, etc.
- 16-109. Parades regulated.
- 16-110. Animals and vehicles on sidewalks.
- 16-111. Fires in streets, etc.
- 16-112. Heavy commercial trucks prohibited from traveling on residential streets

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. (1990 Code, § 12-301)

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. (1990 Code, § 12-302)

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

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. (1990 Code, § 12-303)

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. (1990 Code, § 12-304)

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 board of commissioners. (1990 Code, § 12-305)

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. (1990 Code, § 12-306)

16-107. 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. (1990 Code, § 12-308)

16-108. 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. (1990 Code, § 12-309)

16-109. 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 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 out his agreement to clean up the resulting litter immediately. (1990 Code, § 12-310)

16-110. 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. (1990 Code, § 12-312)

16-111. 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. (1990 Code, § 12-313)

16-112. Heavy commercial trucks prohibited from traveling on residential streets. (1) Limitations on truck traffic. No truck having three (3) or more axles shall travel on a street that has been posted as having limitations of such nature at any time. The city manager will determine appropriate limitations after consultation with the public works director and/or the chief of police. Exceptions to this restriction are permitted for school buses, moving vans, garbage trucks or common delivery vehicles. The city reserves its right to pursue payment from truck operators and owners for damages caused by the use of a posted street by trucks in violation of this section.

(2) The city manager may grant exemptions. Upon application to the city manager or the city manager's designee, a truck owner or operator may request a limited exception to this ordinance upon posting of a bond to repair any damage to any affected city street. The determination as to the extent and nature of the exemption, the preferred route, and the amount of the bond will be made in the sole discretion of the city manager or his/her designee. (1990 Code, § 12-314)

CHAPTER 2

EXCAVATIONS AND CUTS

SECTION

- 16-201. Definitions.
- 16-202. Permit required.
- 16-203. Applications.
- 16-204. Application fee.
- 16-205. Deposit or bond.
- 16-206. Manner of excavating--barricades and lights.
- 16-207. Liability and responsibility for repair.
- 16-208. Driveway cuts.
- 16-209. Perpetual care.
- 16-210. Inspection.
- 16-211. Specifications.
- 16-212. Right-of-way encroachment.
- 16-213. Insurance.
- 16-214. Time limits.
- 16-215. Penalty.

16-201. Definitions. (1) "City manager." The city official who shall serve as the supervisor for the public works director or any other subordinate employee assigned or delegated direct responsibility for the administration of this chapter.

(2) "Public works director." A person employed by the city to physically inspect any excavation for conformity with the permit and other provisions of this chapter.

(3) "Emergency." A sudden or unexpected occurrence or condition calling for immediate action. The repair of a broken or malfunctioning utility line or services shall be deemed an emergency if a repair is reasonably warranted under existing circumstances prior to the next working day.

(4) "Excavation." Any excavation or tunneling of any public street right-of-way including, but not limited to, excavating in, cutting of, or tunneling of any street, sidewalk or curb for purposes of constructing or maintaining pipes, lines, driveways, or private streets, poles, guy wires, signs, or other utility or private structure or facility. (1990 Code, § 12-101)

16-202. Permit required. It shall be unlawful for any person, firm, corporation, public or private utility, association, or other entity, to make any cut or excavation in any street, curb, alley, or public right-of-way (power and telephone poles excluded), or to tunnel under any street, curb, alley, or public right-of-way in the city without having first obtained a permit, as herein required, and without complying with the provisions of this chapter; and it shall

be unlawful to violate or to vary from the terms of any such permit; provided, however, any person maintaining pipes, lines, driveways, or other facilities in or under the surface of any public right-of-way may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately, provided the permit could not reasonably and practically have been obtained before hand. Such person shall thereafter apply for a permit on the first regular business day on which the permit shall be retroactive to the date when the work was begun; however, such requirements may be waived by the city manager or his designee. (1990 Code, § 12-102)

16-203. Applications. Applications for such permits shall be made to the city manager or such person designated by him to receive such applications, and shall state thereon the location of the intended excavation, street cut, or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, public or private utility, association, or others doing the actual excavating, and the name of the person, firm, corporation, public or private utility, association, or others for whom the work is being done, and shall contain an express agreement that the applicant will comply with all ordinances and laws relating to the work to be done. The applicant shall disclose any foreseeable lane or sidewalk closures or detours during excavation. Such application shall be rejected or approved by the city manager or his designee within five (5) working days of its filing. The action of the city manager or his designee in granting or refusing a permit shall be final, except as it may be subject to review at law. A permit may be refused for the following reasons:

- (1) The proposed excavation should be redesigned to mitigate a potential safety hazard;
- (2) The proposed excavation should be redesigned to mitigate damage within the right-of-way;
- (3) The proposed excavation cannot be safely made in the street right-of-way;
- (4) The proposed restoration plan does not meet the minimum standards for restoration;
- (5) The applicant has willfully failed to comply with conditions of prior permits issued to the applicant; provided that such disqualification shall be removed upon correction of any such defects;
- (6) For other good cause in the discretion of the city manager or his designee.

Provided, that as to an excavation done in emergency circumstances the application shall be completed on the next working day; and the city manager or his designee shall review the actual work completed for conformity with the requirements hereof. (1990 Code, § 12-103)

16-204. Application fee. Each application shall be accompanied by a fee as follows:

Driveway	\$25.00 each
Bore	\$250.00 each + \$5,000.00 Bond
Road cut	\$250.00 each + \$5,000.00 Bond
Utility cut	\$250.00 each + \$5,000.00 Bond
Emergency utility cut for repair after 4:00 P.M. and weekends	\$50.00 each + \$5,000.00 Bond
Cut parallel to road	\$1.00/ft in righ-of-way min. \$250.00
	\$0.50/ft. in right-of-way min. \$150.00
Admin. fee	\$5.00

(1990 Code, § 12-104, modified)

16-205. Deposit or bond. The City of Soddy-Daisy may require a cash deposit or surety bond. The deposit or surety bond shall be as provided in § 16-204 for each job or activity or in the amount of one thousand dollars (\$1,000.00) on an annual basis. The deposit or surety bond shall insure proper restoration of the ground and laying of pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the city manager, city engineer or such person designated by the city manager may increase the amount of the deposit or surety bond to an amount considered to be adequate to cover the cost. If the applicant fails to perform as per requirements in § 16-207 of this chapter, expenses incurred by the City of Soddy-Daisy for proper street restoration will be deducted from the deposit or surety bond. In the event expenses are deducted from an annual surety bond, it shall be the responsibility of the applicant to deposit with the City of Soddy-Daisy, within two (2) working days, cash or bond in an amount sufficient to maintain annual bond level at one thousand dollars (\$1,000.00). Expenses incurred by the City of Soddy-Daisy for property restoration in excess of deposit or bond shall be charged to the person, firm, corporation, or association who made the cut, excavation or tunnel. In addition the applicant shall guarantee that any excavation, tunnel, cut, bore or any existing underground utilities on city streets or right-of-ways shall not cost the city funds for any reason. If such cost is incurred, the person, agent, or organization shall be billed one hundred percent (100%) of actual cost plus twelve percent (12%) general administration. No deposit or bond shall be required of security companies (1990 Code, § 12-105, modified)

16-206. Manner of excavating--barricades and lights. 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, lights and

other traffic control devices shall be maintained to prevent accidents and injury to persons or property. If any sidewalk is blocked, a temporary sidewalk shall be provided which shall be safe for travel and convenient for users. No work shall be done which deviates from the plans approved and until a change of plan has been secured from the city manager or his designee. All expenses of such safety measures and temporary sidewalks shall be borne by the applicant or owner. (1990 Code, § 12-106)

16-207. Liability and responsibility for repair. 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 at its own expense 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 city manager or his designee 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 plus twelve percent (12%) administrative fee 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, and accurate account of the expense involved shall be kept, and the total including overhead cost and twelve percent (12%) administrative fee shall be charged to the person, corporation, association, or others who made the excavation or tunnel. Restoration of said street, alley or right-of-way shall be to specifications and requirements set by the City of Soddy-Daisy. No deviation from the specifications and requirements shall be allowed without specific written authorization from the city manager, city engineer or authorized agents. (1990 Code, § 12-107)

16-208. Driveway cuts. No person, firm, corporation, association, or other entity shall cut, build, or maintain a driveway across a city right-of-way without first obtaining a permit. Such permit will not be issued when the proposed 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. It shall be unlawful for any land owner to construct or maintain his driveway in such a manner that driveway material, (dirt, mud, gravel, etc.) will move onto the street or right-of-way due to inclement weather or any other reason. In the event driveway material moves onto any city street from any new or existing driveway, it shall be the responsibility of the land owner to promptly remove

debris (dirt, mud, gravel, etc.) from the street or right-of-way to restore the street or right-of-way to its original condition.

General requirements for driveway connections other than commercial.

(1) There will be a minimum of one (1) driveway per parcel or lot of record which must access an already constructed dedicated and publicly accepted state, county or municipal street or road.

(2) The location of the driveway must be approved by the public works director or his designee.

(3) The driveway shall be a minimum of ten feet (10') in width with a turning radius as follows:

90° 24'

60° 26'

30° 30'

(4) The driveway tile must be concrete, or plastic corrugated with a minimum of twelve inch (12") cover, or approved corrugated galvanized metal.

(5) The size of the tile to be installed will be determined by the public works director or his designee.

(6) Depending upon the elevation of the driveway, the public works director may require stabilization, with silt fencing, straw bales, rip rap, check dams, retention ponds as deemed necessary in his discretion.

(7) The first twenty-five feet (25') of drive from the city street must have a four inch (4") base of crushed stone and two inch (2") asphalt or four inch (4") concrete.

(8) Requirement (7) may be omitted provided that the driveway connection is determined to be temporary. Temporary connections cannot exceed forty-five (45) days.

(9) Requirement (7) may be omitted provided that the driveway connection is for construction of a single family dwelling. A temporary construction connection permit for the single family dwelling cannot exceed one (1) year.

(10) Commercial driveway requirements shall conform to standards as set forth in the zoning ordinance and site plan regulations. (1990 Code, § 12-108)

16-209. Perpetual care. Any person, firm, corporation, public or private utility, association, or other entity affecting a public way with the city shall be responsible for the perpetual care of all street cuts until the street is resurfaced by the City of Soddy-Daisy. Repairs shall be made in accordance with specifications furnished by the City of Soddy-Daisy. It shall be the responsibility of the city manager or his designee to give notice in writing to appropriate utilities when street repairs are needed. The notice shall state location of needed repairs and specify a reasonable period of time in which repairs must be made. Failure to comply with the notice shall be a violation of

the law and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (1990 Code, § 12-109)

16-210. Inspection. The city manager or his designee shall from time to time inspect all excavations and tunnels being made in or under any public street, curb, alley, or other public right-of-way in the city and see to the enforcement of the provisions of this chapter. Notice shall be given to him before the work of refilling any such excavation or tunnel commences and the work may not commence until the inspector arrives at the site or gives verbal permission to proceed. (1990 Code, § 12-110)

16-211. Specifications. Each permit shall be assigned a set of restoration specification standards. These specifications will be referenced by number and so indicated on the permit. It shall be the responsibility of the city engineering department or public works department to maintain and provide the specification standards. The permittee may request a copy as required. The cost of the specification shall be limited to reproduction cost and paid by the permittee. (1990 Code, § 12-111)

16-212. Right-of-way encroachment. In the development of private property which abuts on any public right-of-way, to include the road pavement and shoulders and the buffer area which extends between the travelled way and the right-of-way line, and the construction of driveways thereto, it shall be unlawful for any person to regrade the buffer area by cutting or filling or doing any such work without first obtaining the approval of the superintendent of streets. All improvements in the buffer area, including driveways, shall be accomplished in such a way as not to impair drainage within the right-of-way nor alter the stability of the roadway subgrade and at the same time not impair or materially alter the drainage of the adjacent areas. All culverts, catch basins, drainage channels and other drainage structures placed in the buffer area and under driveways as the result of property being developed shall be installed in strict accordance with specifications and standards prescribed by the superintendent of streets. (1990 Code, § 12-112)

16-213. 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 or other suitable instrument 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 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 three hundred thousand dollars (\$300,000.00) for each person and seven hundred thousand dollars (\$700,000.00) for each accident, and for property damages an amount not less than one hundred thousand dollars (\$100,000.00) in any one (1) accident. (1990 Code, § 12-113, modified)

16-214. 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. (1990 Code, § 12-114)

16-215. Penalty. Any person, firm, corporation, public or private utility, association, or others violating any provision of this chapter shall be punished in accordance with the general penalty provision of this municipal code of ordinances. (1990 Code, § 12-115)

CHAPTER 3

IMPROPER USE OF WALKING TRACKS

SECTION

16-301. Purpose.

16-302. Vehicles prohibited.

16-303. Additional prohibited uses.

16-304. Exceptions.

16-301. Purpose. The purpose of this chapter is to prohibit specified uses of walking tracks in the City of Soddy-Daisy. (1990 Code, § 12-201)

16-302. Vehicles prohibited. It shall be unlawful for any person, firm or corporation to place upon the walking tracks any machine propelled by power, including human power, designed to travel along the ground by use of wheels, treads, or slides, and transport persons or property, or pull machinery, and shall include without limitation, automobile, truck, trailer, go carts, motorcycle, three wheeler, bicycle, tractor, buggy and wagon. (1990 Code, § 12-202)

16-303. Additional prohibited uses. It shall be unlawful for any person, firm, or corporation to engage in any activity inconsistent with walking and shall expressly including the following: ball playing, frisbee throwing, running, horseback riding, skate boarding, horseplay, etc. (1990 Code, § 12-203)

16-304. Exceptions. Wheelchairs may be permitted, walkers will be allowed to push children in baby strollers and the city commission may approve certain special event activity. (1990 Code, § 12-204)

CHAPTER 4

DEPOSITING GARBAGE

SECTION

16-401. Depositing garbage without permission prohibited.

16-402. Penalty.

16-401. Depositing garbage without permission prohibited. No person shall place garbage, refuse, rubbish or other substances in any garbage container not owned by him or her or provided for his or her use and without the permission of the owner thereof. (1990 Code, § 12-402)

16-402. Penalty. Any person, firm, business, corporation, public or private utility, association, club, civic organization, or others violating any provisions of this chapter shall be punished in accordance with the provisions of this section of the municipal code. Notwithstanding any other penalty provision in the city code, a violation of this chapter shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a penalty under the provisions of this section shall not prevent the revocation of any permit or license on the taking of any punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law. (1990 Code, § 12-403, modified)