

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. DRIVEWAYS.
4. NUMBERING OF PROPERTIES AND PRINCIPAL BUILDINGS.

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. Operation of trains at crossings--warnings required.
- 16-112. Animals and vehicles on sidewalks.
- 16-113. Fires in streets, etc.
- 16-114. Street acceptance policy.
- 16-115. Commercial trucks regulated when using city streets.
- 16-116. Fine for closing streets for more than twenty-four hours.

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. (Ord. #2009-2, March 2009)

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 or alley at a height of less than fourteen

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

(14) feet or over any sidewalk at a height of less than eight (8) feet. (1994 Code, § 16-102)

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. (1994 Code, § 16-103)

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 (1994 Code, § 16-104)

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. (1994 Code, § 16-105)

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 law. (1994 Code, § 16-106)

16-107. Littering streets, alleys, or sidewalks prohibited.² 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. (1994 Code, § 16-107)

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. (1994 Code, § 16-108)

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

²Municipal code reference
Litter control: § 17-108.

16-109. Abutting occupants to keep sidewalks clean, etc. The occupants of property abutting on a sidewalk are required to keep the sidewalk clean. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1994 Code, § 16-109)

16-110. Parades regulated. It shall be unlawful for any person, 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 the police chief approves the application stating that such activity will not unreasonably interfere with traffic. 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. (1994 Code, § 16-110, modified)

16-111. Operation of trains at crossings--warnings required. There shall be erected at all grade crossings on the line of any railroad in the City of La Vergne over which trains are operated, electric signals, crossing gates, flagmen, or some other warning approved by the board of mayor and aldermen for the City of La Vergne, Tennessee.

Such warning means or devices shall be erected and maintained by the railroad without any expense to the City of La Vergne, and when warning devices are used, they shall be erected and maintained under the supervision of the mayor. (1994 Code, § 16-111)

16-112. 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. (1994 Code, § 16-112)

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. (1994 Code, § 16-113)

16-114. Street acceptance policy. The City of La Vergne shall not, nor shall any public authority accept, lay out, open, improve, grade, or pave any street unless such street shall have been accepted or opened as or shall have otherwise received the legal status of a public street.

No street within the City of La Vergne shall be accepted or opened as or shall have otherwise received the legal status of a public street without prior inspection and approval by the city road and road drainage engineer.

The owner of any subdivision or his agent shall pay to the City of La Vergne an inspection fee of twelve cents (\$.12) per linear foot on all streets in any subdivision prior to the laying out, opening, improving, grading, or paving of said streets within the City of La Vergne. (1994 Code, § 16-114)

16-115. Commercial trucks regulated when using city streets.

(1) No person shall drive any commercial truck or trailer in excess of fifteen thousand (15,000) pounds gross vehicle weight upon any street owned and maintained by the City of La Vergne. The provisions of this section shall not be deemed to prohibit the parking of public school buses on private property or the lawful parking of a commercial truck or trailer in excess of fifteen thousand (15,000) pounds gross vehicle weight upon any street for the actual loading or unloading of goods, wares, or merchandise, provided, however, that "loading" and "unloading" as used in this section shall be limited to the actual time consumed in such operation. Trucks making deliveries or pickups on streets not designated as a state or federal highway may do so provided that a state or federal highway is used until reaching the intersection nearest the destination point and then expeditiously returned to by the most direct route. Also, this section shall not prohibit the temporary parking of said vehicles when reasonably necessitated by a break down or other emergency, provided the chief of police is promptly notified of the circumstances and provided said parking pursuant to this emergency provision shall not be permitted in excess of twelve (12) hours.

(2) It shall be presumed that the person or persons owning and/or operating any truck or trailer which is found parked, standing, or unoccupied within the city limits on or adjacent to a city street that is not a part of the state or federal highway system, whether said vehicle be located upon private or public property, was the person or persons responsible for incurring the violation of this section, unless said person rebuts said presumption and proves said vehicle was used without operating it over a city street. (1994 Code, § 16-115)

16-116. Fine for closing streets for more than twenty-four hours.

Any person or corporation that closes, blocks or in any way prevents the flow of traffic on any city street for a period of twenty-four (24) hours shall be subject to a fine of fifty dollars (\$50.00) per day and a separate fifty dollar (\$50.00) fine for each day that the flow of traffic on such city street is prevented. Also if closed without a permit, that shall be a fifty dollar (\$50.00) penalty also. (1994 Code, § 16-116)

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.

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, other governmental unit 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 codes enforcement office is open for business, and said permit shall be retroactive to the date when the work was begun. The La Vergne Codes Enforcement Division shall maintain a permitting system approved by the director of public works and shall maintain a tickler file that assures work is completed prior to expiration of the surety bond or the cash deposit being refunded. (1994 Code, § 16-201)

16-202. Applications. Applications for such permits shall be made to the codes enforcement officer 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,

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).

association or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, the time of beginning of the work and the time of completion of the work, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done, that the city may correct unacceptable installation or incomplete installation, and that the city may use the cash or security bond for unsatisfactory work or incomplete performance. Such application shall be rejected or approved by the public works director within twenty-four (24) hours of its filing and a permit issued if approved. (1994 Code, § 16-202)

16-203. Fee. The fee for such permit shall be twenty-five dollars (\$25.00). (1994 Code, § 16-203)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the codes enforcement officer a cash deposit, or in lieu thereof, a surety bond in such form and amount as the public works director shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. The deposit shall be in the sum of \$500.00 for a minor city street or \$1,000.00 for a collector street or a major thoroughfare. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the public works director may increase the amount of the deposit to an amount considered by him to be adequate to cover the estimated costs. From this deposit shall be deducted any expense to the city of correcting or completing any installation to city specifications. The balance, if any, shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored. (1994 Code, § 16-204)

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. The city specifications shown on Drawing No. PR-B-1 of the Tennessee Public Works Construction Standards, Pavement replacement backfill, adopted by the city shall be followed (see "exhibit A" - attached).¹ Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. All traffic control and obstructions must be coordinated with the La Vergne Police Department and with the public works department. It is the responsibility of the permittee to control traffic. If any walkway or street is blocked by any such work, a temporary walkway or street shall be

¹Exhibit A attached to Ord. #94-18 is of record in the city recorder's office.

constructed or provided with detour signs which shall be safe for travel and convenient for users. (1994 Code, § 16-205)

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 the city shall restore said street, alley, or public place to its original condition. In case of delay past the completion date set forth in the application, the codes enforcement officer shall give notice to the applicant and the person for whom the work was done if different that unless the excavation or tunnel is refilled properly within a specified period of time, the city will do the work and charge the expense of doing the same to the applicant or the person for whom the work was done. 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 applicant or the person for whom the work was done. (1994 Code, § 16-206)

16-207. Insurance. In addition to making the cash 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 the applicant is covered by workman's compensation insurance as well as against claims for property damage or personal injury which may arise from or out of the performance of the work, whether such performance be by the applicant, 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 codes enforcement officer in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$300,000.00 for proper damages. (1994 Code, § 16-207)

16-208. Time limits. Each application for a permit shall state the length of time that will elapse from the commencement of the work until the restoration of the surface, but in no case shall the time for restoration exceed sixty (60) days. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the codes enforcement officer. (1994 Code, § 16-208)

16-209. Supervision. No pipe or utility, or drainage tile may be covered, no repair of any utility that is part of a system operated by the city shall be made, and no refilling shall be done unless a La Vergne Public Works Inspector is on site at the time of repair or refilling the excavation. The Public Works Director may approve hand compaction for cuts made with small trench machines, however, a city inspector must be present when the excavation is

filled. The city specifications ("exhibit A" - attached)¹ and other city standards and specifications that may apply, must be adhered to. (1994 Code, § 16-209)

¹Exhibit A attached to Ord. #94-18 is of record in the city recorder's office.

CHAPTER 3

DRIVEWAYS

SECTION

16-301. "Driveway" defined.

16-302. Application.

16-303. Review of application; approval; culverts.

16-304. Denial of application; appeal.

16-305. Costs of construction.

16-306. Requirements in addition to planning commission regulations.

16-307. Removal of offending conditions.

16-301. "Driveway" defined. The term "driveway" as used in this chapter shall mean any portion of a normal sidewalk area, including grass plot, curb, gutter, and sidewalks of the streets, roadways, and alleys of the City of La Vergne, Tennessee, intended for use by vehicles as a means of ingress and egress between public right-of-way and abutting property. (1994 Code, § 16-301)

16-302. Application. It shall be the duty of all persons intending or proposing to construct a driveway for vehicular access to and from the public streets and alleys to make an application for authorization of construction, re-construction, or major repair of driveways on forms prescribed by the building inspector of the City of La Vergne. Applications shall be signed by the property owner, lessee, developer, or contractor. The fee for such permit shall be fifty dollars (\$50.00). (1994 Code, § 16-302, modified)

16-303. Review of application; approval; culverts. It shall be the duty of the building inspector to give due consideration to the convenience, safety, regular movement of pedestrian and vehicular traffic, and drainage, when reviewing a driveway application. It shall be the further duty of the building inspector to approve or disapprove said driveway application and to require any culverts under said driveway to be a minimum capacity of eighteen inches (18") in diameter. (1994 Code, § 16-303)

16-304. Denial of application; appeal. In the event the building inspector denies any application for driveway construction, the applicant shall have the right of appeal to the La Vergne Board of Zoning Appeals. Such appeal shall be made within ten (10) days after denial by the building inspector. (1994 Code, § 16-304, modified)

16-305. Costs of construction. The cost of driveway construction or major driveway repair, or the installation of culverts, shall be borne by the

owner, lessee or other lawful holder of the property to be served. (1994 Code, § 16-305)

16-306. Requirements in addition to planning commission regulations. All requirements under this chapter are in addition to the requirements and regulations imposed by the La Vergne Planning Commission. (1994 Code, § 16-306)

16-307. Removal of offending conditions. Any person violating any of the provisions contained in this chapter shall be notified that the offending driveway construction, reconstruction, repairs, or culvert shall be removed. Notification shall be made by the building inspector in writing to the property owner, lessee, contractor, or lawful holder of said property, to the effect that the offending work must be removed within ten (10) days from date of notification, and the driveway replaced to conform to the provisions contained in this chapter. In the event of failure to comply with notification, the City of La Vergne will make the necessary driveway corrections and assess the cost against the property abutting the driveway. (1994 Code, § 16-307)

CHAPTER 4

NUMBERING OF PROPERTIES AND PRINCIPAL BUILDINGS

SECTION

- 16-401. Uniform numbering system.
- 16-402. Assignment of numbers.
- 16-403. Administration.

16-401. Uniform numbering system. A uniform system of numbering properties and principal buildings, as shown on the map identified by the title _____ which is filed in the office of the city recorder, is hereby adopted for use in the City of La Vergne. This map and all explanatory matter thereon, is hereby adopted and made a part of this section. (1994 Code, § 16-401)

16-402. Assignment of numbers. (1) All properties or parcels of land within the corporate limits of the City of La Vergne shall hereafter be identified by reference to the uniform numbering system adopted herein, provided: all existing numbers of property and buildings not now in conformity with provisions of this section shall be changed to conform to the system herein adopted within six months from the date of passage.

(2) A separate number shall be assigned for each fifty (50) feet of frontage.

(3) 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 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. (1994 Code, § 16-402, modified)

16-403. Administration. (1) The city engineering department shall be responsible for maintaining the numbering system.

(2) The city engineering department shall keep a record of all numbers assigned under this section. (1994 Code, § 16-403, modified)