

## **TITLE 16: STREETS AND SIDEWALKS**

### Chapter

- 1. MISCELLANEOUS**
- 2. EXCAVATIONS**



## CHAPTER 1: MISCELLANEOUS

### Section

- 16-101 Obstructing streets, alleys, or sidewalks prohibited
- 16-102 Trees and the like projecting over streets
- 16-103 Trees and the like obstructing view at intersections prohibited
- 16-104 Projecting signs, awnings, and the like
- 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, sidewalks, or other public property prohibited
- 16-108 Obstruction of drainage ditches
- 16-109 Abutting occupants to keep rights-of-way, easements, and sidewalks clean
- 16-110 Parades and public gatherings
- 16-111 Animals and vehicles on sidewalks
- 16-112 Fires in streets
- 16-113 Responsibility for the proper maintenance of streets, drainage areas, and other public ways
- 16-114 Roadblocks
- 16-115 Violation and penalty

### ***Cross-reference:***

*Related motor vehicle and traffic regulations, see title 15*

### **§ 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.  
(2007 Code, § 16-101) (Ord. 02-03, passed 2- -2002) Penalty, see § 16-115

### **§ 16-102 TREES AND THE LIKE PROJECTING OVER STREETS.**

It shall be unlawful for any property owner or occupant to allow any limbs of trees on his or her property to project over any street or alley at a height of less than 14 feet or over any sidewalk at a height of less than eight feet.  
(2007 Code, § 16-102) (Ord. 02-03, passed 2- -2002) Penalty, see § 16-115

**§ 16-103 TREES AND THE LIKE OBSTRUCTING VIEW AT INTERSECTIONS PROHIBITED.**

It shall be unlawful for any property owner or occupant to have or maintain on his or her 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.  
(2007 Code, § 16-103) (Ord. 02-03, passed 2- -2002) Penalty, see § 16-115

**§ 16-104 PROJECTING SIGNS, AWNINGS, AND THE LIKE.**

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.

(2007 Code, § 16-104) (Ord. 02-03, passed 2- -2002)

***Cross-reference:***

*Building code, see Title 12, Chapter 1*

**§ 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 Town Council after a finding that no hazard will be created by such banner or sign.

(2007 Code, § 16-105) (Ord. 02-03, passed 2- -2002) Penalty, see § 16-115

**§ 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.

(2007 Code, § 16-106) (Ord. 02-03, passed 2- -2002) Penalty, see § 16-115

**§ 16-107 LITTERING STREETS, ALLEYS, SIDEWALKS, OR OTHER PUBLIC PROPERTY PROHIBITED.**

It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, sidewalk, or other public property 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.

(2007 Code, § 16-107) (Ord. 02-03, passed 2- -2002) Penalty, see § 16-115

**§ 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 or public easement.

(2007 Code, § 16-108) (Ord. 02-03, passed 2- -2002) Penalty, see § 16-115

**§ 16-109 ABUTTING OCCUPANTS TO KEEP RIGHTS-OF-WAY, EASEMENTS, AND SIDEWALKS CLEAN.**

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. The occupants of property abutting on a public right-of-way or public easement are required to keep the right-of-way or easement maintained to the edge of the pavement or public way. Public utility and drainage easements are to be maintained by the adjoining property owners in a sufficient manner as to not create a public nuisance or create a blockage to normal drainage flow. (2007 Code, § 16-109) (Ord. 02-03, passed 2- -2002)

**§ 16-110 PARADES AND PUBLIC GATHERINGS.**

(1) *Legislative intent.* It is the intent of the Town Council that every person wishing to exercise the rights guaranteed to them by the First Amendment to the Constitution of the United States of America and Article 1, Section 19 of the Constitution of the State of Tennessee be permitted to do so without undue burden or hardship. The provisions contained in this section are adopted for the sole purpose of ensuring public safety and the normal operations of the town and its citizens during any parades or public gatherings which may occasionally take place in the town.

(2) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***BREAKING NEWS EVENT.*** A news event of local, state, national or international concern which has occurred within the last three days.

***CHIEF OF POLICE.*** The Chief of Police for the Smyrna Police Department or his or her designee.

***PARADE.*** Any march or procession of any kind, in or upon any street, sidewalk, alley or other public place, held for the purpose of expressing First Amendment freedoms in the town.

***PERSON/APPLICANT.*** Any person, firm, partnership, association, corporation, company or organization of any kind.

**PUBLIC GATHERING.** Any gathering, meeting or rally held primarily for the purpose of expressing First Amendment freedoms which could reasonably be expected to attract in excess of 25 participants or observers.

**RECREATIONAL PURPOSE.** Any march or procession of any kind, in or upon any street, sidewalk, alley or other public place in the town, including but not limited to footraces, walk-a-thons and fundraising events, wherein the purpose of such march or procession is unrelated to the expression of Constitutional freedoms.

**TOWN.** The Town of Smyrna, Tennessee.

**TOWN MANAGER.** The Town Manager or his or her designee.

(3) *Content of speech or message shall not be considered.*

(a) No officer, employee or agent of the town shall give consideration to the content of the speech or message to be delivered during any public gathering or parade when determining whether or not to issue a permit under this section or when deciding upon the time, place or manner restrictions to be applied to such permit. No requirements beyond those reasonably necessary to ensure public safety and the normal operation of the town and its citizens shall be placed upon of any person applying for a permit under this section.

(b) *Exception.* The content, message or any other relevant factor may be considered by an officer, employee or agent of the town when deciding upon the number of police or other emergency personnel, if any, to assign to a particular gathering or parade.

(4) *Applicability.* The provisions of this section shall apply to all persons wishing to publically gather or parade within the corporate limits of the town and all officers, agents and employees of the town shall ensure the provisions of this section are uniformly applied.

(5) *Public gatherings prohibited on town property without permit.* It shall be unlawful for any person to erect any structure, stand or platform, hold any meeting, perform any ceremony, make a speech, address or oration, or exhibit or distribute any sign, placard, notice, declaration or appeal of any kind or description, in any public park or upon the grounds of any facility owned and operated by the town except by permit issued by the Chief of Police.

(6) *All gatherings to take place outside of town facilities.*

(a) All properly permitted public gatherings shall take place on the grounds, parking lots or other outdoor spaces of facilities owned by the town and no public gathering shall occur within the lobbies, meeting rooms or other non-public areas of such facilities.

(b) *Exception.* Public gatherings are permitted inside the town facilities if the area in which the gathering occurs is specifically designated as a public meeting space and is regularly rented or lent to the general public for that purpose. Any person wishing to gather in such a location shall pay any

applicable rental fees in addition to any permit application fees associated with the issuance of a public gathering permit.

(7) *Public gathering permit application procedures.*

(a) Any person wishing to hold a public gathering in a park or upon the grounds of any facility owned or operated by the town shall make application to the Chief of Police at least three business days prior to such public gathering. The application shall be obtained from the office of the Town Clerk and, upon completion, forwarded by the Town Clerk to the Chief of Police for consideration. A processing fee of \$200 shall be paid by any individual making application for a public gathering permit.

(b) *Waiver of processing fee.* Any person unable to pay the processing fee referenced in this section may make application to the Town Manager for waiver of the same. Such application for waiver shall be granted if it is shown the payment of such fee would create a substantial financial hardship or burden. The Town Manager's determination on the matter shall be final and may not be appealed except to a court of competent jurisdiction.

(c) *Review of application by Chief of Police.* Upon application, a public gathering permit shall be issued unless:

- (i) The use for which the permit is sought is of a private or commercial nature;
- (ii) The location selected is not suitable because the area is specially landscaped and planted with botanical, flower, shrub or tree exhibits;
- (iii) The location selected is not suitable because it is one of the specialized park use areas such as zoos, skating rinks, swimming pools, recreational and the like;
- (iv) The date and time requested has previously been allocated by a permit;
- (v) The location requested is not a location typically open for public use or gathering;
- (vi) The location requested is not large enough to safely accommodate the number of participants and observers likely to be present at the gathering; or
- (vii) During the requested date or time, the park or facility is closed to the general public. Gatherings should be permitted within the town facility parking lots or lawns regardless of whether or not such facility is open to the general public, if feasible;.

(d) *Authority of Chief of Police to designate specific area of gathering.* The Chief of Police is authorized to designate the specific area within any park or town facility wherein a public gathering may occur. Any area so designated shall allow the gathering's participants to effectively express their message, but shall not substantially interfere with the general public's use or enjoyment of the park or facility. The Director of Parks and Recreation shall clearly mark the designated area at least 48 hours prior to the gathering.

(e) *Denial of permit by Chief of Police.* Whenever a permit is denied due to one of the reasons listed in division (7)(c)(i) through (v), the applicant shall be offered another suitable location, date or time to gather if possible.

(f) *Absence of Chief of Police.* In the event the Chief of Police is absent or otherwise unable to consider a permit application and he or she has not designated another individual to act in his or her stead, the Town Manager shall be authorized and empowered to consider the public gathering permit application, or designate an individual to do so, in accordance with the provisions of this section.

(g) *Revocation of permit by Chief of Police or Town Manager.* The Chief of Police or Town Manager are empowered to revoke any public gathering permit issued pursuant to this section and order the gathering ceased if it is determined any of the participants therein are engaged in any of the following behavior and the arrest or removal of individual participants engaged in such conduct will not restore order to the gathering:

(i) Intentionally obstructing pedestrian or vehicle ingress and egress to and/or from the park, facility, or facility grounds;

(ii) Failing to remain within the area designated for the gathering, if applicable, after being directed to do so on more than one occasion;

(iii) Engaging in violent, harassing, intimidating or threatening behavior toward any individual;

(iv) Destroying, vandalizing or otherwise damaging public or private property; or

(v) Any other criminal, unlawful or inherently dangerous conduct.

(h) *Breaking news events.* If a public gathering is held in response to a breaking news event, the participants therein shall not be required to obtain a permit pursuant to this section. Any gathering taking place under this exception shall immediately cease if the participants therein engage in any of the conduct listed in subsections (f)(i) through (v). The Chief of Police shall have the authority to designate the area in which a breaking news event gathering will take place without advanced notice to the participants.

(8) *Parades prohibited without permit.*

(a) *Generally.* It shall be unlawful for any person to parade unless they are in possession of a valid parade permit issued by the Chief of Police, his or her designee, or some other authorized official.

(b) *Permit application procedures.* Any person wishing to parade upon the public streets, sidewalks or allies of the town shall make application to the Chief of Police, or his or her designee, no less than seven days prior to the date of such parade. The application shall be distributed by the Town Clerk and, once completed, the Town Clerk will forward the application to the Chief of Police for



consideration. A processing fee of \$100 shall be paid by any individual making application for a parade permit.

(c) *Waiver of processing fee.* Any person unable to pay the processing fee referenced herein may make application to the Town Manager for waiver of the same. Such application for waiver shall be granted if it is shown the payment of such fee would create a substantial financial hardship or burden. The Town Manager's determination on the matter shall be final and may not be appealed except to a court of competent jurisdiction.

(d) *Issuance by Chief of Police.* The Chief of Police shall issue a permit, except where the permit would conflict as to time or place with a permit previously issued or the parade does not conform with the following conditions:

(i) The time, route and size of the parade shall not substantially disrupt the safe use and orderly movement of other traffic contiguous to its route;

(ii) The conduct of the parade shall not require the diversion of so great a number of police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the town;

(iii) When held for a recreational purpose, the parade shall be supervised by security personnel, the employment of which shall be at the sole expense of the applicant. The Chief of Police, or his or her designee, shall reasonably determine the number of security personnel needed for the safe conduct of the parade, and shall inform the applicant at least four days before the event so the applicant can provide appropriate evidence that proper security personnel have been retained prior to the issuance of the permit;

(iv) The applicant has provided for the services of the number of parade monitors as determined by the Chief of Police, to insure that the parade will be conducted in conformity with the parade permit;

(v) The parade shall not interrupt normal ambulance service to portions of the town other than that to be occupied by the proposed line of march and areas contiguous thereto;

(vi) The concentration of persons, animals and vehicles at assembly points of the parade shall not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;

(vii) The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire;

(viii) The parade is not to be held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit; however, nothing contained herein will prohibit the advertising of any product, goods or event identifying organizations or sponsors furnishing or sponsoring floats or transportation for the parade; and

(ix) The applicant has satisfied all of the financial requirements of subsection (e)(i) and (ii).

(e) *Financial responsibility requirements.*

(i) *Generally.* The applicants for a parade permit for a recreational purpose, and any other persons, organizations, firms or corporations on whose behalf the application is made, by filing the application, do represent, stipulate, contract and agree that they will jointly and severally indemnify and hold the town harmless against liability for any and all claims for damage to property, injury to or the death of persons arising out of or resulting from the issuance of the permit, or the conduct of the parade or its participants.

(A) In addition to the all other requirements, in the event a parade is held for a recreational purpose, and is comprised of pedestrians and vehicles or animals, no permit shall be issued unless the applicant shall obtain a comprehensive general liability insurance policy. If motor vehicles are involved, an automobile liability policy, issued by an insurance company authorized to do business in the state with a Best Key Rating of A/VII or better, with coverage that includes the assembly area, the parade route, the disbanding area of the parade, and any other area used by the participants of the parade. The town shall be listed as an additional insured on a primary and non-contributory basis. The liability limits of such policy shall be no less than \$1,000,000 per occurrence and \$2,000,000 aggregate of single-limit general liability and automobile liability insurance covering both bodily injury and property damage may be required for issuance of a parade permit.

(B) At the time of the application for a parade permit for a recreational use, satisfactory proof that the insurance required by subsection has been obtained shall be presented to the Manager of Safety and Risk Management for the town.

(ii) *Issuance by Chief of Police.* Within 48 hours of receipt of a parade application, weekends excluded, the Chief of Police, or his or her designee, shall either grant or deny such permit and immediately transmit his decision to the Town Clerk. The Town Clerk shall immediately issue a permit or notify the applicant of denial.

(iii) *Authority of Chief of Police to modify.* The Chief of Police shall have the authority to reasonably modify the route, time and place of any parade permit to facilitate crowd control, to relieve traffic congestion, or to ensure public safety.

(iv) *Authority of Chief of Police or Town Manager to revoke parade permit.* The Chief of Police or Town Manager are empowered to revoke any parade permit issued pursuant to this section and order the parade cease if it is determined a significant number of the participants therein are engaged in any of the following behavior and the arrest or removal of individual participants engaging in such conduct will not restore order to the parade:

(A) Intentionally obstructing pedestrian or vehicle ingress and egress to and/or from any road, street, ally or sidewalk not previously closed by the town in anticipation of the parade;

(B) Failing to remain within the designated parade route;

- individual;
- (C) Engaging in violent, harassing, intimidating or threatening behavior toward any individual;
  - (D) Destroying, vandalizing or otherwise damaging public or private property;
  - (E) Any other criminal, unlawful or inherently dangerous conduct;
  - (F) The lighting, handling or display of any open flame or explosive device;

(9) *Chief of Police and Town Manager's authority to prohibit items and implement security measures.* The Chief of Police and/or Town Manager are authorized and empowered to ban the possession, use, and display of any weapon or other implement which may be deemed by law enforcement to pose a threat to public safety within the area or vicinity of any public gathering or parade. The Chief of Police and/or Town Manager may also direct the implementation of any security procedures deemed necessary to ensure the safety of gathering or parade participants, observers and the general public.

(2007 Code, § 16-110) (Ord. 02-03, passed 2- -2002; Ord. 17-60, passed 1- -2018) Penalty, see § 16-115

#### **§ 16-111 ANIMALS AND VEHICLES ON SIDEWALKS.**

(1) It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or make any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or inconveniences pedestrians using the sidewalk.

(2) It shall also be unlawful for any person knowingly to allow any minor under his or her control to violate this section.

(2007 Code, § 16-111) (Ord. 02-03, passed 2- -2002) Penalty, see § 16-115

#### **§ 16-112 FIRES IN STREETS.**

It shall be unlawful for any person to set or contribute to any fire in any public street, alley, or sidewalk.

(2007 Code, § 16-112) (Ord. 02-03, passed 2- -2002) Penalty, see § 16-115

#### **§ 16-113 RESPONSIBILITY FOR THE PROPER MAINTENANCE OF STREETS, DRAINAGE AREAS, AND OTHER PUBLIC WAYS.**

Except as otherwise provided in the town code, it shall be the responsibility of the Director of Public Works to supervise the proper maintenance of streets, drainage areas, and other public ways of the town; subject to the compliance with the rules and regulations promulgated by the Town Council and the town code. In the performance of his or her duties, the Director of Public Works shall prepare for the Town

Manager any studies and/or reports deemed proper and necessary by the Town Manager for the discharge of the duties of that position.

(2007 Code, § 16-113) (Ord. 02-03, passed 2- -2002)

#### **§ 16-114 ROADBLOCKS.**

It shall be unlawful and a misdemeanor for any person to conduct a roadblock for the purpose of disseminating information or collecting funds inside the town. A roadblock is defined as standing in a public street where funds are sought from motorists on the public street. A roadblock shall be further defined as any person standing in a public street with a sign or poster for the purpose of advertising or informing the public. A roadblock does not include a public parade, which is properly authorized, and traffic stopped or controlled by the Police Department.

(2007 Code, § 16-114) (Ord. 02-03, passed 2- -2002) Penalty, see § 16-115

#### **§ 16-115 VIOLATION AND PENALTY.**

(1) Violations shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

(2) Any person who violates the provisions of § 16-110 shall be guilty of a misdemeanor offense and may be fined up to \$50 in addition to any other penalties authorized by law.

(2007 Code, § 16-115) (Ord. 17-60, passed 1- -2018)

## CHAPTER 2: EXCAVATIONS

### Section

- 16-201 Permit required
- 16-202 Applications
- 16-203 Fee
- 16-204 Deposit or letter of credit
- 16-205 Safety restrictions on excavations
- 16-206 Restoration of streets
- 16-207 Insurance
- 16-208 Time limits
- 16-209 Supervision
- 16-210 Driveway curb cuts
- 16-211 Violation and penalty

### ***Editor's note:***

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)

### **§ 16-201 PERMIT REQUIRED.**

It shall be unlawful for any person, firm, corporation, association, or others, including utility districts 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 Director of Public Works is open for business, and the permit shall be retroactive to the date when the work was begun.

(2007 Code, § 16-201) (Ord. 02-03, passed 2- -2002) Penalty, see § 16-211

### **§ 16-202 APPLICATIONS.**

Applications for such permits shall be made to the Director of Public Works, or such person as he or she 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.

(2007 Code, § 16-202) (Ord. 02-03, passed 2- -2002)

### **§ 16-203 FEE.**

The fee for all permits required herein shall be a sum set by the Town Council in the annual fee schedule.

(2007 Code, § 16-203) (Ord. 02-03, passed 2- -2002)

### **§ 16-204 DEPOSIT OR LETTER OF CREDIT.**

(1) No such permit shall be issued unless and until the applicant therefor has deposited with the town a cash deposit. The deposit shall be in a sum set by the Director of Public Works in an amount determined by the Director of Public Works 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 initial deposit is clearly inadequate to cover the cost of restoration, the Director of Public Works may increase the amount of the deposit to an amount considered by him or her to be adequate to cover the 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.

(2) In lieu of a deposit, the applicant may deposit a letter of credit from a financial institution in Rutherford or Davidson County in such form and amount as the Director of Public Works shall deem adequate to cover the costs to the town if the applicant fails to make proper restoration.

(2007 Code, § 16-204) (Ord. 02-03, passed 2- -2002; Ord. 07- , passed 11- -2007)

### **§ 16-205 SAFETY RESTRICTIONS ON EXCAVATIONS.**

Any person, firm, corporation, association, or others making any excavation, bore, 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 by the entity making excavation, bore, or tunnel to protect persons and property from injury by or because of the excavation being made and shall be in accordance with all applicable law. 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.

(2007 Code, § 16-205) (Ord. 02-03, passed 2- -2002)

**§ 16-206 RESTORATION OF STREETS.**

(1) Any person, firm, corporation, association, or others making any excavation, bore, or tunnel in or under any street, alley, or public place within the town shall restore the street, alley, or public place to its original condition, in case of unreasonable delay in restoring the street, alley, or public place, the Director of Public Works 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.

(2) 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, bore, or tunnel.

(2007 Code, § 16-206) (Ord. 02-03, passed 2- -2002)

**§ 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 or she 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 or herself, his or her subcontractor, or anyone directly or indirectly employed by him or her. 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 Director of Public Works in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than those limitations set forth in the Governmental Tort Liability Act, T.C.A. § 29-20-403.

(2007 Code, § 16-207) (Ord. 02-03, passed 2- -2002)

**§ 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 replaced. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the Director of Public Works.

(2007 Code, § 16-208) (Ord. 02-03, passed 2- -2002) Penalty, see § 16-211

**§ 16-209 SUPERVISION.**

The Director of Public Works or his or her 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 town and see to

the enforcement of the provisions of this chapter. Notice shall be given to him or her at least ten hours before the work of refilling any such excavation or tunnel commences.

(2007 Code, § 16-209) (Ord. 02-03, passed 2- -2002)

#### **§ 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 Director of Public Works. Such 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 35 feet in width at its outer or street edge and, when two or more adjoining driveways are provided for the same property, a safety island of not less than ten feet in width at its outer or street edge shall be provided. Driveway aprons shall not extend out onto the street. The provisions in this chapter related to deposits and letters of credit, safety restrictions, restoration, insurance, time limits, supervision, and permit fees shall also apply to cuts in this section.

(2007 Code, § 16-210) (Ord. 02-03, passed 2- -2002) Penalty, see § 16-211

#### **§ 16-211 VIOLATION AND PENALTY.**

Violations shall subject the offender to a penalty under the general penalty provision of this code. Each day a violation is allowed to continue shall constitute a separate offense.

(2007 Code, § 16-211)