



## Chapter 23 STREETS AND SIDEWALKS

<b>Chapter 23 - STREETS AND SIDEWALKS</b>
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- ❖ Charter reference--Authority to lay out, open, etc., streets and other improvements, § 206.
- ❖ Cross references--Aircraft and airports, Ch. 3; animals, Ch. 5; buildings and building regulations, Ch. 6; cable television regulations, Ch. 7; civil emergencies, Ch. 9; flood damage and prevention control, Ch. 12; horticulture, Ch. 14; ambulance service, § 16-61 et seq.; markets and pedestrian vendors, § 16-316 et seq.; motor vehicles and traffic, Ch. 17; offenses, Ch. 19; parks and recreation, Ch. 20; public transportation, Ch. 21; railroads, Ch. 22.
- ❖ State law reference--Streets and other public improvements, T.C.A. § 7-31-101 et seq.

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**ARTICLE I. IN GENERAL**

**Section 23-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Curb means that construction parallel to and adjoining the edge of the paving or roadway surface of the street definitely marking the limits of that portion of the street to be used by vehicular traffic.



Director means the person holding the position of director of public service in the government of the city, or his duly authorized representative.

Driveway means that portion of the street lying between the curbline of the street and the property line of the street used for ingress and egress to property adjoining a street, by vehicles.

Gutter means that construction adjoining the curb and forming a part of the street surface used by vehicles and whose primary function is to provide surface drainage along the street.

Sidewalk means that portion of the street generally reserved for pedestrians' use. Unless otherwise permitted, it shall be laid so that the property side of the walk shall be parallel to and identical with the property line of the street.

Specification means the standard specifications and plans for construction procedures and materials on file in the office of the city engineer, and their subsequent revisions.

Street means all public thoroughfares within the corporate limits of the city, such as alleys, avenues, highways, boulevards, streets and the like, and shall include all that portion of the public way from property line to property line dedicated to the public use, and includes sidewalks, driveways, grass plots, curbs and that portion of the street used by vehicles.

(Code 1962, § 36-1)

### **Section 23-2. Obstructions--Prohibited; exceptions.**

If any person shall place upon any public street of the city, or cause to be placed thereon, any rocks, lumber, wood, rubbish or other encumbrance, or other obstruction whatever, he shall be guilty of a misdemeanor; provided that, for the purpose of erecting, finishing or repairing any building within the city, a contractor, upon obtaining a permit therefor from the director of public service, shall have the privilege of depositing on the squares, streets, lanes or alleys opposite or adjacent to the building any lumber, brick or other material necessary to be used in erecting, finishing or repairing the building. Such materials shall not hinder or impede the necessary passage of pedestrians and vehicles, nor the free passage of water in the gutters of the streets; the materials shall not remain longer than is absolutely necessary for the completion of the work being done; and all rubbish from the building shall be removed as soon as possible. This section shall not apply to any obstruction permitted by law. (Code 1962, § 36-55)

### **Section 23-3. Same--Removal of unlawful obstructions.**

Should any rocks, wood, lumber or other obstruction whatever be found upon any of the pavements, sidewalks, squares or streets of the city, where such obstruction is not permitted by the provisions of section 23-2, the director of public service shall request the person allowing, making or suffering such obstruction to remove the obstruction without delay, and if the obstruction is not removed by the offender it shall be the duty of the director to remove the obstruction, and the person offending shall be liable, in addition to the penalties fixed in section 1-9, to pay to the city double the expense of removing the obstruction. (Code 1962, § 36-56)



**Section 23-4. Same--Public safety; lights.**

When any person shall place or cause to be placed any kind of building material or other obstruction in or upon any street of the city, he shall see to it that such material is not left in condition to endanger any person passing along the street, and shall put up, at or near the obstruction, a red signal light during the darkness of each and every night the obstruction continues. If such obstruction is more than fifty (50) feet in length there shall be an additional light for every fifty (50) feet or fraction thereof. (Code 1962, § 36-57)

**Section 23-5. Sale of merchandise on street or sidewalk.**

It shall be unlawful for any person to sell or offer for sale on the streets and sidewalks, or in doorways or entrances to vacant buildings when the occupancy of the doorway or entrance interferes with travel upon the sidewalk adjacent thereto, any merchandise of any kind or character; provided that the provisions of this section shall not apply to sales regulated by chapter 16, article X of this code. (Code 1962, § 36-58)

**Section 23-6. Storage or display of goods.**

It shall be unlawful to use any part of any public street between the curblines and property line or between the curblines and outermost street line for the storage of goods, merchandise or other material, or for the purpose of displaying goods or articles for sale or barter, except as provided in chapter 16, article X. (Code 1962, § 36-59)

**Section 23-7. Cleaning of sidewalks.**

All owners or occupants of property in front of which paved sidewalks have been laid or abutting upon paved sidewalks are hereby required to keep such sidewalks clean. All persons and others required to keep sidewalks clean where such sidewalks are within the first fire district of the city and are swept or otherwise cleaned and the sweepings placed in the street shall sweep and clean the sidewalks between the hours of 6:00 p.m. and midnight and at no other time. If any person within the first fire district of the city who is required by this section to keep sidewalks clean desires to and does sweep or clean the sidewalk between the hours of midnight and 6:00 p.m., all sweepings shall be gathered and placed in a garbage can and disposed of as other garbage. (Code 1962, § 36-60)

**Section 23-8. Removal of ice, snow, mud, etc., from sidewalks.**

It shall be the duty of every person occupying any dwelling house or other house upon any street of the city, or owner thereof if the house is unoccupied, to remove or cause to be removed from the sidewalks in front of or upon the sides of his premises all ice, snow or mud, grass, weeds and other foreign substances which may accumulate thereon, and it shall be the duty of every police officer to enforce this section. (Code 1962, § 36-62)

**Section 23-9. Discharge of roof water on sidewalk.**

It shall be unlawful for any owner or occupant of a house situated upon any of the streets to have any water spout or gutter attached to such building which shall be so constructed as to empty its



contents upon the public sidewalk, and all such water spouts emptying their contents on the alleys shall not be of greater height than four (4) inches from the ground, and all such as are of greater height from the ground are hereby declared to be public nuisances. It shall be the duty of all persons owning property within the city, whose buildings are provided with water spouts emptying their contents upon the public sidewalks, to abate such nuisance by the construction of drainpipes beneath the surface of the sidewalks, which shall make connection with all such water spouts for the purpose of conveying the water into the gutter. (Code 1962, § 36-63)

**Section 23-10. Making fire on street.**

- (a) It is hereby declared to be a misdemeanor for any person to make any fire or burn any trash, leaves, wood, coal, oil, gasoline or similar combustible material upon any of the paved streets or other public thoroughfares of the city; provided, however, that contractors and other workmen may construct necessary fires for melting tar or similar material where the surface of the street under such fires is first amply protected by depositing a sufficient thickness of earth on the surface so as to prevent injury to the street. Such workmen or contractors shall first obtain a written permit for the construction of such fire from the director of public service.
- (b) As used in this section, "paved streets of the city" means any of the streets paved with brick, asphalt, bitulithic, concrete, wood block, stone block, tar macadam, granitoid or other similar improved paving material in common use in paving the city's streets.

(Code 1962, § 36-64)

**Section 23-11. Slaking or burning lime, cement or similar material on street.**

It shall be unlawful and a misdemeanor for any person to slake or burn any lime, cement or similar material which thereby generates heat upon any of the unprotected paved streets of the city in such way or manner as to be calculated to damage or injure the street by the application of heat thereto. (Code 1962, § 36-65)

**Section 23-12. Construction of cellar doors.**

All cellar doors upon any of the streets, parks or squares of the city shall be built of strong material and be uniform and flush with the pavement or sidewalk, and shall not project from the wall of the building more than five (5) feet. Within the first fire district, all such doors shall be of noncombustible material. (Code 1962, § 36-66)

**Section 23-13. Leaving cellar doors open or out of repair.**

If any owner of a house in the city shall permit his cellar door, on any square, lane, alley, pavement or sidewalk of the city, to remain open, except when in actual use, or shall have it so insecure or weak or out of repair as to render walking thereon or over the door unsafe or dangerous, such person so offending shall be punished as provided in Section 1-9. In case the owner or occupant of any house does not, on notice, attend to the repairs of any cellar door, the



door may be repaired by the director of public service, at the expense of the owner, which may be recovered before any court having jurisdiction, with costs. (Code 1962, § 36-67)

**Section 23-14. Obstruction of streetlights by shade trees.**

- (a) *Prohibited.* It shall be unlawful for the owner of any property abutting upon any of the streets within the corporate limits of the city to permit the branches of any shade trees upon his property, or the sidewalk in front thereof, to so extend across the street as to obstruct the shining of any electric light in the street placed there by the corporate authorities or under their direction.
- (b) *Notice to trim trees.* If any person shall permit branches of his shade trees to extend on the street and obstruct the electric lights on the street, it shall be the duty of the director of public service to cause to be served upon such property owner a ten-day notice requiring him to trim his trees so that the light may freely shine without obstruction upon the thoroughfare in front of his property.
- (c) *Failure to comply with notice.* If the person owning trees shall fail or refuse so to trim his trees by the time fixed in the notice prescribed by subsection (b) of this section, he shall be guilty of a violation of subsections (a) and (b) of this section.

(Code 1962, §§ 36-68--36-70)

**Section 23-15. Walking or driving on grass plot or park strip.**

- (a) The term "grass plot or park strip," as used in this section, means:
  - (1) Where there is a sidewalk pavement on the side of a street or public way, the space between such sidewalk pavement and the property line, and the space between such sidewalk pavement and the curb pavement, or, if there is no curb pavement, the space between the sidewalk pavement and the improved or traveled portion of the street or public way, all such references being to the side of the street or public way upon which the sidewalk pavement is located.
  - (2) Where there is no sidewalk pavement on the side of a street or public way, the space between the property line and the improved or generally traveled portion of such street or public way of the side upon which there is no sidewalk pavement.
- (b) It shall be unlawful to walk or drive on, over or across any grass plot or park strip except where landings have been provided in front of property or other improved crossings have been provided over such grass plot or park strip.

(Code 1962, §§ 36-71, 36-72)

**Section 23-16. Curb stops.**

Whenever a parking lot is ten (10) feet or closer to any property line, a physical barrier or curb stop shall be provided to prevent encroachment of any portion of a parked vehicle over the property line. (Code 1962, § 36-73)



**Section 23-17. Failure to obtain franchise for use of streets.**

It shall be unlawful for any person to operate and conduct any kind of business within the corporate limits of the city which requires a franchise, grant or easement over its streets, without first obtaining such franchise, grant or easement. Any person engaged in operating or conducting such a business without having first obtained a franchise, grant or easement shall be guilty of a misdemeanor. (Code 1962, § 28-1002)

**Sections 23-18--23-40. Reserved.**

**ARTICLE II. CONSTRUCTION AND REPAIR OF SIDEWALKS AND DRIVEWAYS**

**Section 23-41. Responsibility for construction.**

- (a) It shall be the duty of the abutting property owner, or his agent, of any house or property, to construct sidewalks or driveways adjoining his property, and if the abutting property owner or his agent fails to construct sidewalks or driveways adjoining his property, the director of public service shall cause written notice to be given such property owner or agent requiring him to construct such sidewalks or driveways, after the council has, by proper resolution, determined that the construction of the sidewalks or driveways is necessary for the public convenience and safety.
- (b) If such property owner or agent shall fail or refuse to construct the sidewalk or driveway within fifteen (15) days from the giving of such written notice, the director shall construct such sidewalk or driveway, and the cost of such construction shall be paid by the city and the amount so paid shall be a lien against the abutting property and may be enforced in the chancery court of the county or any other court of competent jurisdiction.

(Code 1962, § 36-5)

**Section 23-42. Responsibility for repairs.**

It shall be the duty of the abutting property owner, or his agent, of any house or property, to maintain and repair sidewalks or driveways adjoining his property, and if an abutting property owner or his agent fails to repair or maintain the sidewalk or driveway adjoining his property the director shall notify the owner, and if the repairs are not completed within ten (10) days the director shall cause the necessary repairs to be made and the cost of such repairs shall be a lien against the abutting property and may be enforced in the chancery court of the county or any other court of competent jurisdiction. (Code 1962, § 36-6)

**Section 23-43. Permit; lines and grades.**

- (a) No person shall construct any sidewalk, driveway, curb or gutter, or change or repair any sidewalk, driveway, curb or gutter on the streets of the city without having first received a permit from the director of public service for the work, authorizing such construction, and received the necessary lines and grades from the office of the city engineer.



- (b) Such permits shall be issued by the director of public service at charges set out under section 23-75 in order to provide for inspectors on the work.

(Code 1962, § 36-7)

Cross reference--Licenses and miscellaneous business regulations, Ch. 16.

**Section 23-44. Bond.**

No person shall be granted a permit for the construction of any sidewalk, driveway, curb or gutter, or repairs to any sidewalk, driveway, curb or gutter without first having on file with the recorder of the city, in a form prescribed by the director of law, an indemnity bond in the amount of two thousand five hundred dollars (\$2,500.00) protecting the city from any and all claims for damages to person or property arising out of or incident to the prosecution of the work, whether caused from negligence or otherwise. (Code 1962, § 36-8)

**Section 23-45. Storage of materials and equipment; public safety.**

- (a) *Generally.* The director of public service shall specify the portion of the street that may be used for storage of materials and equipment, necessary safety precautions to be observed and other precautions to be taken in prosecuting the work of construction or repair of any sidewalk, driveway, curb or gutter. All materials, equipment, barricades and the like shall be properly marked by red lanterns or flares from sunset to sunrise, and properly marked with suitable markers clearly distinguishable by the public during daylight hours. When so directed, the person obtaining the permit shall add additional lights or markers. He shall also carry out the work in a safe and workmanlike manner with due caution for the safety of the public at all times, and shall be subject to the instructions of the director to attain this safety.
- (b) *Use of street.* No materials or equipment shall be piled or placed in gutters, over sewer inlets, in front of crosswalks, or within ten (10) feet of any fireplug, and no more than one-half of the street shall be occupied in the prosecution of the work of constructing or repairing any sidewalk, driveway, curb or gutter. Sufficient and safe walkways for ingress and egress to the premises in front of which the work is being carried on shall be provided at all times.
- (c) *Use of gutter or sidewalk* No construction, barricades, temporary driveways, etc., shall be placed in the gutter or on the sidewalk, except as may be permitted by the building code of the city and authorized by the director of public service.

(Code 1962, §§ 36-9--36-11)

**Section 23-46. Special construction.**

- (a) *Approval.* Wherever any special construction is required in the sidewalk space, such as chute covers, openings, special vault lights or any other construction, either in or under the sidewalk space, the construction shall be approved by the director of public service



both as to material and method of construction, the approval to be written on the permit for the work.

- (b) *Bond.* Whenever such special construction referred to in subsection (a) of this section is authorized, the property owner for whom such construction is authorized shall furnish a surety bond in suitable amount and form as directed by the director of law of the city, protecting the city against any and all damages incident to or arising out of the special construction authorized under subsection (a) of this section.

(Code 1962, §§ 36-12, 36-13)

**Section 23-47. Specifications for sidewalks.**

All sidewalks laid within the corporate limits of the city shall be composed of standard portland cement, sand and stone in the proportion prescribed by the standard specifications on file in the office of the director of public service or city engineer. All materials and methods of mixing and placing shall conform to the standard specifications and plans for concrete sidewalks on file in the office of the director of public service or city engineer. Sidewalks shall be laid on a cinder base of two-inch thickness, when compacted, shall be four (4) inches in thickness and five (5) feet wide, unless otherwise prescribed by the director, and shall be laid to the lines and grades established by the director of public service and subject to his inspection and approval.

(Code 1962, § 36-14)

**Section 23-48. Specifications for driveways.**

Driveways laid within the corporate limits of the city shall be composed of standard portland cement, sand and stone, in the proportion prescribed by the standard specifications on file in the office of the director of public service or city engineer. All materials and methods of mixing and placing shall conform to the standard specifications and plans for concrete driveways on file in the office of the director of public service or city engineer. Driveways shall be six (6) inches thick and of a width prescribed by the director of public service, who shall determine the necessary width and have full authority to set the maximum width required. Driveways shall be laid to the lines and grades established by the director and subject to his inspection and approval.

(Code 1962, § 36-15)

**Section 23-49. Specifications for curbs.**

All curbs laid in the corporate limits of the city shall be composed of standard portland cement, sand and stone in the proportion prescribed by the standard specifications on file in the office of the director of public service or city engineer. All materials, methods of mixing and placing shall conform to the standard specifications and plans for concrete curbs or granite curbs on file in the office of the director of public service or city engineer. Curbs shall be either standard six-inch by fourteen-inch curb or six-inch by eighteen-inch curb, as determined by conditions, and the size shall be prescribed by the director of public service. They shall be laid to the lines and grades as established by the director and subject to his approval and inspection.

(Code 1962, § 36-16)



**Section 23-50. Specifications for gutters.**

All gutters shall be composed of standard portland cement, sand and stone, in the proportion prescribed by the standard specifications on file in the office of the city engineer. All materials and methods of mixing and placing shall conform to the standard specifications and plans for concrete gutters on file in the office of the city engineer. Gutters shall be six (6) inches thick and either eighteen (18) inches, twenty-four (24) inches, thirty (30) inches or thirty-six (36) inches in width as prescribed by the director of public service. They shall be laid to the lines and grades as established by the director and subject to his inspection and approval. (Code 1962, § 36-17)

**Sections 23-51--23-70. Reserved.**

**ARTICLE III. CONSTRUCTION WITHIN OR INTERFERING WITH  
RIGHT-OF-WAY\***

*\*Editor's note--Ord. No. O-15-00, § 1, adopted January 25, 2000, has been treated by the editor as amending the Code by repealing former Article III, §§ 23-71--23-83, and adding a new Article III, §§ 23-71--23-83, to read as herein set out. The former Article III pertained to excavations, and derived from the Code of 1962, §§ 36-25--36-37; Ord. No. O-419-91, adopted October 1, 1991; Ord. No. O-420-91, adopted October 1, 1991; and Ord. No. O-396-99, adopted September 21, 1999.*

**Sec. 23-71. Permit required; emergency exception.**

- (a) It shall be unlawful for any person to make an opening in any street, to disturb in any way the surface or subsurface of any street, or to perform any construction within the right-of-way, or to perform any work so closely adjacent as to create a hazardous roadway condition, or to restrict pedestrian or vehicle flow within the right-of-way without having first received a right-of-way permit and/or temporary traffic control permit therefor from the department of engineering.
- (b) All applications for mains, conduits, manholes and other subsurface structures shall be accompanied by a construction plan and typical cross sections showing as nearly as possible the existing underground structures and the location of the proposed structure.
- (c) A copy of the permit and the approved traffic control plan must be maintained at the work site at all times during construction. Upon request, it shall be available for inspection by the city.
- (d) Where, because of a leak, break, failure or other hazardous condition in a utility distribution or collection system, or other emergency, the public safety requires immediate action, the work may proceed without a permit. In such a situation, the permit shall be obtained as soon as possible thereafter.
- (e) A person who begins work within the right-of-way or performs any work so closely adjacent as to create a hazardous roadway condition, or to restrict pedestrian or vehicle flow within the right-of-way without having first received a right-of-way permit and/or



temporary traffic control permit, shall be charged a double fee for said permits. This shall not apply to emergency situations.

(Ord. No. O-15-00, § 1, 1-25-00)

Cross reference--Licenses and miscellaneous business regulations, Ch. 16.

**Section 23-72. Permit cancellation.**

If a permit has been issued and the work has not been started or has not been completed within the time allowed by the permit, the work cannot proceed until the permit is extended or a new permit is secured. If an extension or new permit is not obtained, the department of engineering may cancel the permit. (Ord. No. O-15-00, § 1, 1-25-00)

**Section 23-73. Revocation of permit.**

The issuance of a permit will be based upon the approved plans, and no work which changes the alignment or methods of construction from the approved plans shall be performed unless and until revised plans have been submitted to and approved by the department of engineering. The department of engineering may revoke a permit for failure to comply with the terms of the approved traffic control plan or construction plan or for any violation of this article.

(Ord. No. O-15-00, § 1, 1-25-00)

**Section 23-74. Bond; certificate of insurance.**

When permits are requested to disturb, excavate, obstruct, or perform any construction within or interfering with the right-of-way, the department of engineering may require such applicant to provide a bond or certificate of insurance with good and sufficient sureties, conditioned to secure the city and third parties against all loss, damage or injury of any kind which may result by reason of such work. (Ord. No. O-15-00, § 1, 1-25-00)

**Section 23-75. Inspection fees.**

- (a) Where the contractor or other governmental agency makes its own restoration, or the operation is of unusual size or difficulty, the department of engineering may assign an inspector to ensure that street openings or street restoration comply with city department of engineering standards and specifications. In such cases, the permittee shall deposit with the city the estimated amount of such inspection charges in advance and in accordance with the following fee schedule:

Classification	Minimum fee (20 square yards or less)		Exceeding 20 square yards: Minimum fee plus the following rate per square yard
Pavement or sidewalks:	\$15.00	+	\$0.50 / square yard (above 20)
Earth or gravel:	\$5.00	+	\$0.15 / square yard (above 20)

- (b) The minimum charge for the issuance of any permit shall be five dollars (\$5.00).

(Ord. No. O-15-00, § 1, 1-25-00)



**Section 23-76. Responsibility for repair of street, sidewalk, or right-of-way.**

- (a) Where any street, sidewalk or right-of-way is damaged or disturbed by any person, said person shall restore the street, sidewalk, or right-of-way to the condition that existed before the excavation began.
- (b) In all cases where work is done in and upon the streets, sidewalks, or right-of-way, the person doing the work and the person for whom it is done will be held responsible for any subsequent settling of the ground or other disrepair.
- (c) Whenever notified by the department of engineering that such street, sidewalk, or right-of-way where an area was excavated or on account of the work done, is hazardous to the public and requires emergency repair, the person responsible therefor shall immediately cause said area to be repaired. In all other situations, the repair work must be commenced within ten (10) days or within a longer time as approved by the department of engineering.
- (d) If after said notification above, the person responsible fails to make the necessary repairs within the time specified by the department of engineering, said person shall be guilty of a separate offense and violation of this section, and shall be punished as provided in section 1-9. The department of engineering may further make such necessary and proper repairs at the cost and expense of the person doing such work or having such work done, or for whose benefit such work is done, or at the cost and expense of each of such persons or all of such persons, jointly and severally.

(Ord. No. O-15-00, § 1, 1-25-00)

**Section 23-77. Supervision of work.**

All excavation and construction within the right-of-way, for any purpose shall be done under the regulation, review and approval of the department of engineering.

(Ord. No. O-15-00, § 1, 1-25-00)

**Section 23-78. Public safety and traffic control.**

- (a) A permittee under this article shall carry on the work authorized by the permit in such manner as to cause a minimum of interference with traffic.
- (b) A permittee shall provide adequate signs and devices to warn and guide traffic, and shall place the signs and devices in a position of maximum effectiveness. The most recent edition of the Manual on Uniform Traffic Control Devices shall be used for the design, installation and maintenance of any traffic control devices. The permittee shall provide and deploy all traffic control devices as prescribed in the approved traffic control plan.
- (c) Where difficult or potentially hazardous conditions exist, the permittee shall provide a competent flagger in compliance with the most recent edition of the Manual on Uniform Traffic Control Devices to effect the safe and orderly movement of traffic. Where



insufficient traffic lanes exist because of street opening, adequate bridging shall be supplied by the permittee.

- (d) When traffic congestion occurs in spite of all precautions and when the permittee or his agent or employee has notice of the congestion, either actual notice or notice from the department of engineering or the police department, the permittee shall request police department assistance immediately. Failure of the permittee to request such assistance will constitute a violation of this article and will be grounds for revocation of the permit. The permittee shall be responsible for such police assistance at rates determined by the city.
- (e) When construction is required that will block one or more lanes of a principal collector or arterial roadway, the hours of work shall be limited on weekdays to avoid conflict with peak traffic movement. Work on weekdays is permitted only during the following times: 1) before 6:00 a.m., 2) from 9:00 a.m. to 3:00 p.m., and 3) after 6:30 p.m. Additional work hours may be permitted on a case-by-case basis. Work is permitted on weekends except for unusual circumstances, such as parades and University of Tennessee football games, etc., as determined by the department of engineering.
- (f) When proposed construction will block one or more lanes of a secondary collector or a local roadway, the department of engineering will review the temporary traffic control plans on a case-by-case basis to determine when work is permitted.
- (g) In case of an emergency occurring in any roadway, the permittee must notify the police and the fire departments immediately.

(Ord. No. O-15-00, § 1, 1-25-00)

**Section 23-79. Use of sheeting and braces.**

Whenever the sides of trenches dug in the streets will not stand perpendicularly, sheeting and braces must be used to prevent unnecessary caving. (Ord. No. O-15-00, § 1, 1-25-00)

**Sec. 23-80. Work in public right-of-way.**

All work within the right-of-way shall comply with the utility maintenance and construction policy, standard detail for trench cut repair, and policy on work zone traffic control prepared by the department of engineering. (Ord. No. O-15-00, § 1, 1-25-00)

**Section 23-81. Utility connections to be installed prior to paving the street.**

Where utility connections have not been made in any improvement district, under the abutting property law, utility connections shall be laid to the property line of the abutting owner before the paving on the street is done by the paving contractor. The department of engineering, through the proper officer, shall notify the owner to have such connections made where necessary and at the time necessary. Upon failure of the owner to have such connections made to the property line as provided in this section, it shall be done by the department of engineering



at the expense of the abutting owner in order that such street paving may not be torn up unnecessarily after the street has been paved. (Ord. No. O-15-00, § 1, 1-25-00)

**Section 23-82. Protective barriers for work in sidewalks or right-of-way.**

Any person leaving a hole or excavation in the sidewalk or right-of-way unprotected by a barrier, guard or other reasonable protection against the dangers thereof, whether caused by the taking out or putting in of a grating, tree, pole, or from any other cause which leaves the sidewalk or right-of-way in an unsafe condition for pedestrians, shall be guilty of a misdemeanor.

(Ord. No. O-15-00, § 1, 1-25-00)

**Section 23-83. Annual maintenance permit.**

The director of engineering is authorized to create an annual permit for the repair and maintenance of existing utility facilities located in the right-of-way and to develop the necessary regulations to administer such permit. (Ord. No. O-15-00, § 1, 1-25-00)

**Sections 23-84--23-105. Reserved.**

**ARTICLE IV. STREET NAMING AND ADDRESSING**

**Section 23-106. Assignment of street names, property addresses.**

The Knoxville/Knox County Metropolitan Planning Commission shall develop and maintain street names and property addressing. This agency shall maintain a file of existing public and private street names and be responsible for ensuring that proposed street names and addresses are in conformance with this article and do not create duplications. Street names and addresses shall be adopted by the city, provided, however, that the city may modify such names and addresses as it, in its wisdom, deems appropriate. (Code 1962, § 36-48; Ord. No. O-280-90, § 2, 9-18-90)

**Section 23-107. Sections established.**

The city and county shall be divided into four (4) sections by the following streets and rights-of-way:

- (1) North/south line formed by Heiskell Road, Central Avenue Pike, Gay Street, Blount Avenue and Chapman Highway;
- (2) East/west line formed by Asheville Highway, Martin Luther King Avenue, Jackson Avenue, Gay Street, Southern Railway and Kingston Pike.

The system shall start at the intersection of Central Street and Jackson Avenue going to the four general points of the compass: north, south, east and west. Continuous street names which cross over these designated lines shall carry the appropriate directional prefix, in addition to the proper street name. All official street names shall include the geographic quadrant suffix.

(Code 1962, § 36-45; Ord. No. O-280-90, § 3, 9-18-90)



**Section 23-108. Street designation.**

The following street designation guidelines shall apply to street names, street signs and addresses:

- (1) All public streets generally extending easterly/westerly shall be designated drives or avenues.
- (2) All public streets generally extending northerly/southerly shall be designated streets or roads.
- (3) Deadend public streets which cannot be extended shall be designated lanes.
- (4) Private easements serving six (6) or more dwelling units shall be designated ways.
- (5) Other designations such as boulevard, pike, circle, etc., may be requested for consideration by application to the Metropolitan Planning Commission (MPC). The MPC shall consider such request in their monthly public meetings and approve or deny the request after consideration of the public interest.

(Code 1962, § 36-46; Ord. No. O-280-90, § 4, 9-18-90)

**Section 23-109. House and building address procedure.**

- (a) The MPC addressing department shall designate the number of each lot or building within the city.
- (b) Buildings on the south and east sides of streets or easements shall receive even numbers. Buildings on the north and west sides of streets or easements shall receive odd numbers. Numbers shall be assigned every 25 feet progressively outward from the base lines of the community. Except as otherwise provided by special ordinance of the city council, the numbering in all cases shall begin with the figures "100" and progress consecutively for the first block, and the second block shall begin with the figures "200," the third block shall begin with the figures "300," and so on until the limits of the city are reached.
- (c) Multiple principal structures on a lot shall receive a unique number or letter for each structure. Multiple occupants of a principal structure may be assigned multiple numbers across the linear frontage of structures or a unique number or letter for each occupant in addition to and distinct from the structure's designation.

(Code 1962, §§ 36-46, 36-47; Ord.No. O-280-90, § 5, 9-18-90; Ord.No. O-458-92, § 1, 10-27-92)

**Sec. 23-110. Buildings required to have number.**

It shall be the duty of the owners, occupants or lessees of all dwellings, apartment houses, hotels, commercial establishments and other buildings to number such buildings with numerals not less than three and one-half (3 1/2) inches in height and/or of such contrasting color and so located as to be readily visible from the street in daylight or when a light is shined upon them at night. Where such buildings have access to an alley, the numbers shall also be posted on the rear of the



building, subject to the same requirements, so as to be easily seen from the alley. The owners, occupants or lessees shall number such dwellings, apartment houses, hotels, commercial establishments and other buildings in accordance with the provisions of this article within sixty (60) days from September 18, 1990. (Code 1962, § 36-49; Ord. No. O-280-90, § 6, 9-18-90)

**Section 23-111. Street names.**

- (a) All proposed names for public streets and private easements shall be reviewed and approved by the MPC addressing department. Approved street names may be reserved for a maximum of 18 months before being formally recorded.
- (b) Extensions of existing streets, including extensions across intersecting streets, shall use the same name as the existing street, provided, however, that local streets which cross major collector or arterial streets may change names if approved after formal consideration by the MPC.
- (c) Street name duplications, including phonetic duplications within Knoxville/Knox County, are prohibited. Existing duplications shall be identified and a procedure initiated for changing the name of the street duplications which is less disruptive to the community.
- (d) All initiated street name changes shall be formally acted upon and become effective, if approved, within eighteen months of September 18, 1990.

(Ord. No. O-280-90, § 7, 9-18-90)

**Section 23-112. Street signs.**

- (a) All public streets and private easements serving six (6) or more dwelling units shall be signed at intersections. Signs shall be built in compliance with the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways.
- (b) Street signs shall be provided within three (3) months of public access to the facility. Any repair or replacement of street signs on publicly dedicated right-of-way shall be the responsibility of the city.
- (c) All street and road signs in the city shall display street names, any required prefix letter designations, the 100 block number and geographic quadrant letter designation.

(Ord. No. O-280-90, § 8, 9-18-90)

**Section 23-113. Appeals.**

- (a) Anyone aggrieved by the enforcement of this article may appeal the decision of the MPC staff to the MPC.
- (b) Any person, firm or corporation aggrieved by any decision of the MPC may appeal to the city council to consider the same. All appeals shall be filed at the MPC office within fifteen (15) days of the date of the decision being appealed.

(Ord. No. O-280-90, § 9, 9-18-90, Ord. No. O-211-00, § 1, 5-30-00)



**Section 23-114. Enforcement.**

- (a) Enforcement of this article shall be accomplished through the MPC subdivision regulations and city and county administrative departments. A proper address shall be required for any permit issuance.
- (b) Any person, firm, association or corporation who violates, disobeys, omits, neglects or refuses to comply with this article shall be guilty of a misdemeanor and subject to the penalties provided for such an offense.

(Ord. No. O-280-90, § 10, 9-18-90)