

## TITLE 16

STREETS AND OTHER PUBLIC WAYS AND PLACES<sup>1</sup>

## CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.

## CHAPTER 1

MISCELLANEOUS<sup>1</sup>

## 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. Obstruction of Town Creek.
- 16-110. Events and/or Parades regulated.
- 16-111. Operation of trains at crossings regulated.
- 16-112. Animals and vehicles on sidewalks.
- 16-113. Fires in streets, etc.
- 16-114. Washing vehicles on streets, etc.
- 16-115. Storage tanks under streets, etc.
- 16-116. Properties to be numbered.
- 16-117. Construction and maintenance of sidewalks.

**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. (1968 code, § 12-201)

---

<sup>1</sup>Charter references

Commissioner public works: Particularly Art. III, §§ 2 and 14; Art. V, § 5; Art. VIII; and Art. XII, § 4.

Construction, maintenance and regulations streets, etc.: Particularly Art. II, § 1 (6), (17), (18), (19), (35), (39), (41).

Municipal code reference

Motor vehicles and traffic: title 15.

**16-102. Trees projecting over streets, etc., regulated.** It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project over any street or alley at a height of less than fourteen (14) feet. (1968 code, § 12-202)

**16-103. Trees, etc., obstructing view at intersections prohibited.** It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, hedge, billboard, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection. (1968 code, § 12-203)

**16-104. Projecting signs and awnings, etc., restricted.** Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code. (1968 code, § 12-204)

**16-105. Banners and signs across streets and alleys restricted.** It shall be unlawful for any person to place or have placed any banner or sign across or above any public street or alley except when expressly authorized by the commissioner of public works. (1968 code, § 12-205)

**16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.** It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by statute. (1968 code, § 12-206)

**16-107. Littering streets, alleys, or sidewalks prohibited.**<sup>1</sup> 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. (1968 code, § 12-207)

**16-108. Obstruction of drainage ditches.** It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right of way. (1968 code, § 12-208)

**16-109. Obstruction of Town Creek.** All persons, firms, and corporations are prohibited from changing the present channeled width of Town Creek, or Sinking Creek, in any manner whatsoever, and they are also

---

<sup>1</sup>Municipal code reference

Comprehensive anti-littering provisions: title 13, chapter 4.

prohibited from filling, bridging, or building over said creek in any manner whatsoever. (1968 code, § 12-209)

**16-110. Events and/or Parades regulated.** It shall be unlawful for any individual, club, institution, organization, business, or similar group to hold any meeting, parade, demonstration, exhibition or any type of event which potentially impacts the traffic flow on the public streets, potentially impacts public safety, involves a public street(s) in any manner, or involves the City's police or public safety departments in any manner, without some responsible representative first securing a permit from the commissioner of finance and revenue. The permit shall be issued for a parade or demonstration to occur on a specific day at a specific time and shall also define the streets that will be involved. No permit shall be issued by the commissioner unless the chief of police of the city approves the activity will not unreasonably interfere with traffic. Multiple permits may be issued for any meeting, parade, demonstration, exhibition, or any type of event to occur at the same date or time as other existing permits, by the commissioner of finance only with the concurrence of the chief of police that public safety will not be jeopardized in any manner. The representative securing the permit and the individual, club, institution, organization, business, or similar group 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 or organization obtaining such a permit to refuse to immediately clean-up the resulting litter. If the representative securing the permit and/or the individual, club, institution, organization, business, or similar group fails to carry out the agreement to clean up any resulting litter and it becomes necessary for the City to clean up litter, then the representative, the individual, club, institution, organization, business, or similar group shall be liable for the actual cost to the City. If deemed appropriate, the commissioner of finance and revenue can require a reasonable clean-up bond to be posted prior to the issuance of any permit. If the applicant for a permit has liability insurance for the event, they are required to provide the City a certificate of insurance and the City shall be added to their policy as an additional insured. Depending on the size of the event, liability insurance may be required before a permit can be issued. (1968 code, § 12-210, as replaced by Ord. #94-1188, §§ 1 and 2, July 12, 1994; Ord. No. 16-5214, § 1, May 17, 2016)

**16-111. Operation of trains at crossings regulated.** No person shall operate any railroad train across any street or alley without giving a warning of its approach as required by state law; nor shall he make such crossing at a speed in excess of twenty (20) miles per hour. It shall also be unlawful to stop a railroad train so as to block or obstruct any street or alley for a period of more than five (5) consecutive minutes. (1968 code, § 12-211)

**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 unreasonably to 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. (1968 code, § 12-212)

**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. (1968 code, § 12-213)

**16-114. Washing vehicles on streets, etc.** It shall be unlawful for any person to wash any vehicle while it is parked on any street or sidewalk. (1968 code, § 12-214)

**16-115. Storage tanks under streets, etc.** It shall be unlawful for any person to lay or place tanks for the purpose of storage of gasoline, benzine, benzol, naphtha, or other light or volatile products, or crude petroleum under the sidewalks and streets within the corporate limits of the City of Lebanon. (1968 code, § 12-215)

**16-116. Properties to be numbered.** All principal buildings on properties abutting on public streets shall be numbered by the owners in accordance with plans of the commissioner of public works. The prescribed numbers for such buildings shall be so placed that they shall be readily visible and apparent from the street. (1968 code, § 12-216)

**16-117. Construction and maintenance of sidewalks.** All sidewalks shall be constructed in accordance with such grades, plans, and specifications as the commissioner of public works shall prescribe.

The owners of property abutting on sidewalks shall maintain such sidewalks in a good state of repair so that they are at all times in a safe and usable condition.

The occupants of property abutting on sidewalks are required to keep such sidewalks clean and unobstructed. Also, immediately after a snow or sleet, such occupants are required to remove all accumulated snow and ice from the abutting sidewalk. (1968 code, § 12-217)

## CHAPTER 2

EXCAVATIONS AND CUTS<sup>1</sup>

## SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or acceptable letter of credit.
- 16-205. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.
- 16-211. Driveway permits.
- 16-212. Penalty.
- 16-213. Driveway permit fees and costs.

**16-201. Permit required.** It shall be unlawful for any person, firm, corporation, association, or others to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit. Any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the commissioner of public works or his designated agent is open for business and said permit shall be retroactive to the date when the work was begun. (1968 code, § 12-101, as replaced by Ord. #95-1411, Jan. 16, 1996)

---

<sup>1</sup>State law reference

Sections 12-201 through 12-209 in this chapter were patterned substantially after the ordinance upheld by the Tennessee Supreme Court in City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

Municipal code reference

Street cuts, etc: title 16, ch. 2.

Street cuts for water and sewer taps: title 18, chs. 1 and 4.

**16-202. Applications.** Applications for such permits shall be made to the commissioner of public works 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 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. Such application shall be rejected or approved by the commissioner of public works within seventy-two (72) hours of its filing. (1968 code, § 12-102, as replaced by Ord. #95-1411, Jan. 16, 1996)

**16-203. Fee.** The fee for such permits shall be two hundred dollars (\$200.00) for excavations which do not exceed one hundred (100) square feet in area or tunnels not exceeding fifty (50) feet in length; and five dollars (\$5.00) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels. (1968 code, § 12-103, as replaced by Ord. #95-1411, Jan. 16, 1996; Ord.#23-6664, Feb. 21, 2023)

**16-204. Deposit or acceptable letter of credit.** No such permit shall be issued unless and until the applicant therefor has deposited with the commissioner of finance and revenue a five thousand dollar (\$5,000.00) cash deposit. The purpose of the deposit or acceptable letter of credit is to ensure the proper restoration of the ground and laying of the pavement, if any where the amount of the deposit is clearly inadequate to cover the cost of restoration, the commissioner of public works may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. In lieu of a deposit the applicant may deposit with the commissioner of finance and revenue an acceptable letter of credit in such form and amount as the commissioner of public works deems adequate to cover the costs to the city if the applicant fails to make proper restoration. (1968 code, § 12-104, as replaced by Ord. #95-1411, Jan. 16, 1996; Ord.#23-6664, Feb. 21, 2023)

**16-205. Manner of excavating--barricades and lights--temporary sidewalks.** Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1968 code, § 12-105, as replaced by Ord. #95-1411, Jan. 16, 1996)

**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 this city 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 commissioner of public works shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is restored properly by a specified date, the acceptable letter of credit or deposit will be forfeited. The city will do the work and charge the expense of doing it to the person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the city. 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 or tunnel. The above stated conditions and specifications shall be binding until one year after the surface is repaved. Penalty for excavations made without permits and acceptable letter of credit, etc. shall be \$50.00 per day. The city reserves the right to hold the acceptable letter of credit and/or deposit until the one year warranty period expires. All subgrade shall be compacted to 100 percent of the maximum density. (1968 code, § 12-106, as replaced by Ord. #95-1411, Jan. 16, 1996)

**16-207. Insurance.** In addition to making the deposit or giving the acceptable letter of credit herein before required to ensure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the commissioner of finance and revenue in accordance with the nature of the risk involved; but the liability insurance for bodily injury shall not be less than \$130,000 for each person and \$300,000 for each accident, and for property damages not less than \$50,000 for any one (1) accident, and a \$75,000 aggregate. (1968 code, § 12-107, as replaced by Ord. #95-1411, Jan. 16, 1996; Ord.#23-664, Feb. 21, 2023)

**16-208. Time limits.** Each application for a permit shall state the length of time which will elapse from the commencement of the work until the restoration of the surface of the ground or pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the commissioner of public works. Permit holders have thirty (30) days to begin work stated. Failure to start work within (30) days will require a new permit and payment of all appropriate fees. (1968 code, § 12-108, as replaced by Ord. #95-1411, Jan. 16, 1996)

**16-209. Supervision.** The commissioner of public works or his designated agent 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 city

and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least twenty-four (24) hours before the work commences. (1968 code, § 12-109, as replaced by Ord. #95-1411, Jan. 16, 1996)

**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 commissioner of public works. Such a 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 thirty-five (35) feet in width at its outer or street edge, and when two (2) or more adjoining driveways are provided for the same property, a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided. Driveway aprons shall not extend into the street. (1968 code, § 12-110, as replaced by Ord. #95-1411, Jan. 16, 1996)

**16-211. Driveway permits.** No one shall build or maintain a driveway entering from private property onto the public streets and thoroughfares of the City of Lebanon without first obtaining a driveway permit from the commissioner of public works, or his duly designated representative. Such a permit will not be issued for the construction of the subject driveway until the property owner has demonstrated to the commissioner of public works, or his designated representative, that the contemplated driveway shall be so located and/or constructed as to be safe to pedestrians and/or vehicular traffic on the public street or thoroughfare involved, and that the construction of the driveway has taken into account the drainage characteristics of the area using appropriate driveway culverts which shall be a minimum of fifteen (15") inches in diameter unless otherwise approved. The issuance of the driveway permit shall be coordinated with the driveway curb cut permit required under section 16-210.

(2) Driveway widths shall comply to the requirements of the planning and zoning ordinances of the City of Lebanon and such driveway widths shall be measured at the right-of-way, unless otherwise agreed by the commissioner of public works or his duly authorized representative.

(3) Prior to the issuance of a driveway permit as required under this section, the commissioner of public works, or his duly authorized representative, may require the property owner to provide engineering calculations to determine the adequate culvert size for the driveway. All driveway culverts shall be designed to allow water of a ten (10) year rain storm frequency and the subject culverts shall be constructed of corrugated metal or concrete or an approved equivalent.

(4) The commissioner of public works shall be and is hereby authorized to prepare the necessary policy and procedures to implement this section, and said policy and procedures shall be reviewed and approved by resolution of the city council, prior to implementation.

(5) The commissioner of public works or his duly authorized representative, may require the posting of appropriate bonds prior to the proposed driveway construction to ensure the proper construction or reconstruction of the curb, curb and gutter or sidewalks involved with the proposed driveway construction.

(6) Any person or organization who has a grievance concerning the enforcement of the driveway permit process may appeal the ruling of the commissioner of public works in the following manner: A written statement of grievance shall be submitted for review to the City of Lebanon Board of Zoning Appeals with a copy of said documentation to be sent to the city attorney for consultation purposes. The board of zoning appeals shall review the grievance at the next available regular meeting, so long as said written appeal is filed with the planning office on or before ten (10) days from the meeting date. If the filing occurs within ten (10) days from the meeting date, the appeal shall be considered by the board of zoning appeals at the next month's meeting. The board of zoning appeals upon good cause shown may overrule the decision of the commissioner of public works concerning the driveway permit procedure described herein. A written statement of resolution, either confirming or overruling the decision of the commissioner of public works shall be sent to the commissioner within ten (10) days after the hearing date. (As added by Ord. #95-1380, § 1, Nov. 1995, as replaced by Ord. #95-1411, Jan. 16, 1996)

**16-212. Penalty.** (1) Any person violating the provisions of this chapter shall be subject to a citation before the city judge and shall be subject to a penalty of fifty dollars (\$50.00) for said violation. The continuation of any violation for an extended period shall allow the city judge to penalize the offender a separate penalty for each day the person is in violation of this section.

(2) In addition to the above stated penalty, the commissioner of public works or his duly authorized representative shall require the certificate of occupancy for any building associated with the subject driveway to be withheld until all provisions of this chapter are appropriately addressed and approved by the commissioner of public works or his duly designated representative. (As added by Ord. #95-1380, § 2, Nov. 1995, as replaced by Ord. #95-1411, Jan. 16, 1996)

**16-213. Driveway permit fees and costs.** Any person or organization obtaining a driveway permit under this section shall pay the following fees for the issuance of said permit:

(1) Each residential driveway shall pay a fee of twenty-five dollars (\$25.00) for each driveway connected that involves a one or two family dwelling.

(2) Any commercial, apartment or industrial driveways shall require a fee of fifty dollars (\$50.00) for each driveway.

(3) In addition to the above stated fees, in the event the engineering department is required to perform any engineering design or calculations

concerning the issuance of any driveway permits, the commissioner of public works or his designated representative shall be authorized to require the payment of appropriate costs that have been incurred by the City of Lebanon during the issuance of the subject permit. (As added by Ord. #95-1380, § 3, Nov. 21, 1995, as replaced by Ord. #95-1411, Jan. 16, 1996)