

## TITLE 16

### STREETS AND SIDEWALKS, ETC.<sup>1</sup>

#### CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS.
3. RIGHT-OF-WAY STANDARDS.

#### CHAPTER 1

### MISCELLANEOUS

#### SECTION

- 16-101. Obstructing streets, alleys, or sidewalks prohibited.
- 16-102. Trees projecting over streets, etc., regulated.
- 16-103. Trees, etc., obstructing view at intersections prohibited.
- 16-104. Projecting signs and awnings, etc., restricted.
- 16-105. Banners and signs across streets and alleys restricted.
- 16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited.
- 16-107. Littering streets, alleys, or sidewalks prohibited.
- 16-108. Obstruction of drainage ditches.
- 16-109. Abutting occupants to keep sidewalks clean, etc.
- 16-110. Parades, etc., regulated.
- 16-111. Animals and vehicles on sidewalks.
- 16-112. Fires in streets, etc.
- 16-113. Temporary roadblock.
- 16-114. Violations and penalty.

**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.

**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 feet (14') or over any sidewalk at a height of less than eight feet (8').

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<sup>1</sup>Municipal code reference

Motor vehicle and traffic regulations: title 15.

**16-103. Trees, etc., obstructing view at intersections prohibited.**

It shall be unlawful for any property owner or occupant to have or maintain on his property any tree, shrub, sign, or other obstruction which prevents persons driving vehicles on public streets or alleys from obtaining a clear view of traffic when approaching an intersection.

**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.<sup>1</sup>

**16-105. Banners and signs across streets and alleys restricted.** It shall be unlawful for any person to place or have placed any banner or sign across or above any public street or alley except when expressly authorized by the board of mayor and aldermen after a finding that no hazard will be created by such banner or sign.

**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.

**16-107. Littering streets, alleys, or sidewalks prohibited.** 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.

**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.

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

**16-110. Parades, etc., regulated.** It shall be unlawful for any person, club, organization, or other group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder.

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<sup>1</sup>Municipal code reference

Building code: title 12, chapter 1.

**16-111. Animals and vehicles on sidewalks.** It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section.

**16-112. 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.

**16-113. Temporary roadblock.** (1) The mayor may grant the use of a portion or portions, or one (1) street or multiple streets for a limited period of time not to exceed one (1) day for a noncommercial purpose of establishment of a roadblock by not-for-profit organizations for the purpose of soliciting voluntary contributions from motorists, when the granting of such use will not impair the town's safety or welfare.

(2) Before the mayor may issue any permit hereunder, the person or organization seeking such permit shall file an application at least fifteen (15) days prior to the date that the roadblock is to occur, setting forth the following:

(a) The name, address, and telephone number of the person filing the application;

(b) The name, address, and telephone number of the headquarters of the organization, and of the persons who manage such organization and will oversee the use requested;

(c) The exact use for which the permit is requested;

(d) The exact location requested for such use;

(e) The exact dates, and if applicable, the hours, for which the use is requested;

(f) The number of persons expected;

(g) If applicable, the number and types of vehicles expected;

(h) The person or organization's agreement to indemnify the town against any and all loss or damages or claims for damages arising from or out of such use;

(i) Assurance that all participants will be age twelve (12) or older, and all will be wearing reflective traffic safety vests; and

(j) Assurance that in the event of any incident or accident that the person executing the application shall immediately notify the appropriate law enforcement authorities, and as soon as it is available, file a copy of the police incident/accident report with the Mosheim Town Recorder.

(3) The mayor may not issue permits to more than one (1) organization, for any given date.

(4) Any person or organization aggrieved by any determination of the mayor made under any provision of this section may appeal such determination

to the board of mayor and aldermen by setting forth the details of such grievance in a letter to it, with a copy to the mayor. At the next regularly scheduled meeting of the board of mayor and aldermen, after the filing of such letter, such person or organization shall personally appear before the board to show why he is aggrieved and why and how such determination should be modified or reversed. The board of mayor and aldermen shall then make a final determination of the matter in controversy and shall sustain, modify, or reverse the determination made by the mayor. (Ord. 181, Sept. 2004)

**16-114. Violations and penalty.** Violations of this chapter shall subject the offender to a penalty under the general penalty provision of this code.

## CHAPTER 2

### EXCAVATIONS

#### SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fee.
- 16-204. Deposit or bond.
- 16-205. Safety restrictions on excavations.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Violations and penalty.

**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 office of the recorder is open for business, and the permit shall be retroactive to the date when the work was begun.

**16-202. Applications.** Applications for such permits shall be made to the recorder, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, 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 recorder within twenty-four (24) hours of its filing.

**16-203. Fee.** The fee for such permits shall be twenty dollars (\$20.00).

**16-204. Deposit or bond.** No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The

deposit shall be in the sum of five hundred dollars (\$500.00) if no pavement is involved or one thousand dollars (\$1,000.00) 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 deposit is clearly inadequate to cover the cost of restoration, the recorder may, after consultation with public works or an engineer, increase the amount of the deposit to an amount considered by him 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.

In lieu of a deposit, the applicant may deposit with the recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the town if the applicant fails to make proper restoration.

**16-205. Safety restrictions on excavations.** 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.

**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 town shall restore the street, alley, or public place to its original condition except for the surfacing, which shall be done by the town but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the recorder 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. 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 or tunnel.

**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 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 recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than three hundred thousand dollars (\$300,000.00) for each person, and not less than seven hundred thousand dollars (\$700,000.00) for each accident, and for property damages not less than one hundred thousand dollars (\$100,000.00) for each accident.

**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 put on by the town if the town restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the recorder.

**16-209. Supervision.** The person designated by the board of mayor and aldermen 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 at least ten (10) hours before the work of refilling any such excavation or tunnel commences.

**16-210. Violations and penalty.** Any violation of this chapter shall constitute a civil offense and shall be punishable by a civil penalty under the general penalty provision of this code, by revocation of permit, or by both penalty and revocation. Each day a violation shall be allowed to continue shall constitute a separate offense.

## CHAPTER 3

### RIGHT-OF-WAY STANDARDS

#### SECTION

- 16-301. Grading.
- 16-302. Storm drainage.
- 16-303. Roadway improvements.
- 16-304. Right-of-way.
- 16-305. Minimum pavement width.
- 16-306. Construction permit required.
- 16-307. Planning commission approval required.
- 16-308. Violations and penalty.

**16-301. Grading.** All streets, roads, and alleys shall be graded or filled horizontally to the full width of their rights-of-way by the subdivider or developer. Due to special topographical conditions, deviation from the above will be allowed only with special approval of the planning commission.

(1) **Preparation.** Before grading is started the entire right-of-way area shall be cleared of all trees, stumps, roots, brush, and other objectionable materials.

(2) **Cuts.** All tree stumps, boulders, and other obstructions shall be removed to a depth of two feet (2') below the subgrade. Rock, when encountered, shall be scarified to a depth of twelve inches (12") below subgrade.

(3) **Fill.** All suitable material from roadway cuts may be used in the construction of fills, approaches, or at other places as needed. Excess materials including organic materials, soft clays, etc., shall be removed from the development site. The fill shall be spread in layers not to exceed six inches (6") loose and compacted by a sheep's foot roller. Unless another method of preparation of the subgrade is approved by the planning commission, the subgrade shall be constructed as specified in section 23, Standard Specifications for Road and Bridge Construction, Tennessee Department of Highways and Public Works - January 1, 1968, and latest revision thereto. The filling of utility trenches and other places not accessible to a roller shall be mechanically tamped, and where water is used to assist compaction, the water content shall not exceed the optimum of moisture. (Ord. #13, June 1975)

**16-302. Storm drainage.** An adequate drainage system, including storm sewers, necessary open ditches, pipes, culverts, intersectional drains, open inlets, bridges, etc., shall be provided for the proper drainage of all surface water. Cross drains shall be provided to accommodate all natural water flow, and shall be of sufficient length to permit full width roadway, and the required slopes. The size openings to be provided shall be determined by Talbot's formula, but in no case shall the pipe be less than eighteen inches (18"). Cross drains



shall be built on straight line and grade, and shall be laid on a firm base but not on rock. Pipes shall be laid with spigot end pointing in the direction of the flow and with the ends fitted and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the road bed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one foot (1') below the road bed. (Ord. #13, June 1975)

**16-303. Roadway improvements.** (1) Base. A compacted base course six inches (6") deep and three feet (3') wider than the width of the pavement on each side of the street shall be installed on all streets, including cul-de-sacs, temporary turn-arounds and access streets to adjoining properties, according to the method specified in section 33, *Standard Specifications for Roads and Bridge Construction*, (Tennessee Department of Highways and Public Works - January 1, 1968) and latest revisions thereto. Wetting of the stone before compaction may be done at a point of origin or on the job site at the option of the contractor. In all cases the centerline of a roadway shall coincide with the center line of the right-of-way dedicated for such road or street.

(2) Curbs. Except for rural streets, as defined in this chapter, curbs of no lower classification than machine formed concrete extruded curb, nine inches (9") wide at the base and seven and one-half inches (7-1/2") shall be installed. The curb shall be installed after the prime coat is applied to the base. Backfill shall be towards the curb to ensure drainage of surface water into the drainage system. In lieu of curbs and gutters as the drainage system on cul-de-sacs and loop streets, the planning commission may accept one (1) of two (2) alternatives:

(a) Swales may be used on streets where the finished grade does not exceed two percent (2%);

(b) Streets with an inverted crown may be used provided that the drainage area of the street does not exceed five (5) acres developed.

One-half inch (1/2") to three-fourths inch (3/4") expansion and contraction joints for the curbs and gutters shall be placed at intervals not exceeding forty feet (40').

(3) Prime coat. After a thoroughly compacted base has been established, a prime coat shall be applied as specified in section 49, *Standard Specifications for Road and Bridge Construction*, Tennessee Department of Highways and Public Works - January 1, 1968, and latest revision thereto.

(4) Wearing surface. The wearing surface shall consist of a surface course constructed with asphalt concrete, prepared with mineral aggregate, laid hot as specified under section 103, *Standard Specifications for Road and Bridge Construction*, Tennessee Department of Highways and Public Works - January 1, 1968 and latest revision thereto. It shall be constructed in one (1) layer not less than two inches (2") thick. (Ord. #13, June 1975)

**16-304. Right-of-way.** The minimum width of right-of-way, measured from lot line to lot line, shall not be less than as follows:

(1) Arterial streets and highways: eighty to one hundred fifty feet (80' - 150'), as may be required. Arterial streets and highways are those to be used primarily for fast or heavy traffic and will be located on the major thoroughfare plan.

(2) Collector streets: sixty feet (60'). Collector streets are those which carry traffic from minor streets to the major system of arterial streets and highways and include the principal entrance streets of a residential development and streets for major circulation within such a development.

(3) Minor residential streets: fifty feet (50'). Minor residential streets are those which are used primarily for access to the abutting residential properties and designed to discourage their use by through traffic.

(4) Marginal access streets: forty feet (40'). Marginal access streets are minor streets which are parallel to and adjacent to arterial streets and highways; and which provide access to abutting properties and protection from through traffic.

(5) Dead-end streets (cul-de-sac): forty feet (40'). Cul-de-sacs are permanent dead-end streets or courts not to exceed six hundred feet (600') or fifteen (15) dwelling units, designed so that they cannot be extended in the future.

In cases where topography or other physical conditions make a street of the required minimum width impracticable, the planning commission may modify the above requirements.

(6) Loop streets: forty feet (40'). Loop streets are streets open at both ends and connected to only one residential street with a maximum length one thousand two hundred feet (1,200') or twenty-five (25) dwelling units.

(7) Rural streets: fifty feet (50'). Rural streets are those where development density is not more than one dwelling unit per acre and where minimum street frontage is one hundred fifty feet (150') per lot.

(8) Alleys: twenty feet (20'). Alleys are minor public ways used primarily for service access to the back side of properties otherwise abutting on a street. (Ord. #13, June 1975)

**16-305. Minimum pavement width.** Due to the diversity of development in the Mosheim planning area ranging from sparsely populated agricultural areas, to the densely populated urban areas, required widths for the surface treatment of roadways (by the developer) will necessarily vary with the character of building development and the amount of traffic encountered. Minimum widths for surface treatment of roads and streets shall be those indicated below.

(1) Arterial streets: (not-paved by developer).

(2) Collector streets: thirty-two feet (32'), (not usually paved by the developer).

(3) Minor residential streets: twenty-eight feet (28'). Most minor streets in residential developments involve parking and/or considerable traffic.

(4) Marginal access: twenty feet (20'). Maximum length of one thousand two hundred feet (1,200') or twenty-five (25) dwelling units.

(5) Loop streets: twenty feet (20'). Maximum length twelve hundred feet (1200') or twenty-five (25) dwelling units.

(6) Dead-end streets (cul-de-sac): twenty feet (20'). Maximum length six hundred feet (600') or fifteen (15) dwelling units.

(7) Rural streets: twenty and twenty-four feet (20' and 24'). Without curbs - minimum of one (1) acre lots and one hundred fifty feet (150') frontage. Pavement widths of twenty feet (20') may be accepted on loop and dead-end (cul-de-sac) rural streets meeting the above standard of maximum length and number of dwelling units. (Ord. #13, June 1975)

**16-306. Construction permit required.** No private citizen or board or officer thereof or any other public official shall accept, layout, open, improve, grade, pave, or light any road or lay or authorize water mains or sewers or connection of other facilities or utilities on any road within the Town of Mosheim until and unless a construction permit for the said road has been issued by the town recorder. (Ord. #13, June 1975)

**16-307. Planning commission approval required.** Prior to final acceptance of a proposed street as a public street, the Mosheim Planning Commission shall study a plat of the proposed street and make its approval known to the board of mayor and aldermen who shall have the final decision upon the acceptance of a street. (Ord. #13, June 1975)

**16-308. Violations and penalty.** Be it further ordained that any person, firm, or corporation violating the provisions of this chapter, upon conviction, shall be guilty of a misdemeanor and shall be subject to a fine of not less than two dollars (\$2.00) or more than fifty dollars (\$50.00). Each day of the violation shall constitute a separate offense. (Ord. #13, June 1975)