

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. ROAD AND STREET REGULATIONS.

CHAPTER 1

ROAD AND STREET REGULATIONS²

SECTION

- 16-101. Purpose.
- 16-102. Procedures for road construction review--newly constructed roads.
- 16-103. Existing road requirements for review of road acceptance.
- 16-104. Subdivision roads.
- 16-105. Non-subdivision roads--minimum acceptance standards for new construction.
- 16-106. Drainage requirements--all roads.
- 16-107. Public roads.
- 16-108. Administration.
- 16-109. Driveway cuts and construction.
- 16-110. Signs.
- 16-111. Repairs.
- 16-112. Snow removal.
- 16-113. Mowing right-of-way.
- 16-114. Drainage tile.

16-101. Purpose. Road construction is the first step in the process of community development. Public road upkeep and improvement becomes a public responsibility and the public must pay for widening, paving, and for the correction of any defects. It is therefore in the best interest of the public to ensure that streets are developed in accordance with sound rules and proper minimum standards. The Town of Unicoi Board of Mayor and Aldermen has adopted standards for the development of streets within the Town of Unicoi and has authorized the Town of Unicoi Planning Commission to ensure that these standards are met. The following procedures have been established to give

¹Municipal code reference
Speed limits: title 15, chapter 1.

²Municipal code reference
Speed limits: § 15-101.

guidance to anyone who proposes to construct a street in the Town of Unicoi. (2004 Code, § 16-101)

16-102. Procedures for road construction review--newly constructed roads. The Town of Unicoi will not accept title to and the Town of Unicoi will not be authorized to spend tax monies to maintain any road unless the provisions outlined below have been completed.

All private contractors or individuals who construct any roads in the Town of Unicoi after passage of this chapter are required to enter into agreement with the Town of Unicoi Planning Commission prior to construction of the road(s) if title thereto is to be conveyed to the Town of Unicoi.

(1) Such agreement shall specifically state that the builder of the road shall be responsible for the maintenance and upkeep of the road for a period of one (1) year.

(2) At the discretion of the Town of Unicoi, the road builder may be required to post satisfactory bond to ensure that the road(s) are properly maintained for a period of one (1) year.

(3) If the contractor or private citizen and the planning commission agree on the construction of the road, the planning commission will monitor the construction and when the road is completed to the specification contained herein, will brief the town governing body on the road and recommend that the town governing body accept title for the road.

(4) The one (1) year maintenance requirement by the builder shall begin on the date the town governing body formally accepts title to the road.

(5) If a contractor or a private individual does not agree with the planning commission on the type of construction for a planned road, the contractor or private individual may appeal the decision of the planning commission to the town governing body. The decision of the town governing body will overrule any decision of the planning commission.

(6) If a contractor or a private individual does not agree with the decision of the town governing body, they may appeal said decision to the appropriate courts.

(7) All conveyances of title by deed or otherwise, to the Town of Unicoi for any road or roads not formally accepted by the Town of Unicoi shall be null and void.

(8) The property owner or other individual transferring the right-of-way to the town of Unicoi shall be responsible for all costs, including recording costs, of the instrument conveying title. (2004 Code, § 16-102)

16-103. Existing road requirements for review of road acceptance. In order to make a request in the Town of Unicoi to have an existing road accepted by the town as a town road, placed on the official town road map and maintained by the town, the following procedures must be followed:

(1) All of the following criteria can be documented, then a request may be made to the Unicoi Planning Commission¹ for road acceptance:

- (a) The road has been traveled routinely by the general public.
- (b) The road serves a minimum of three (3) residences.
- (c) All of the residents living on the road sign a survey

expressing their desire for the road to become a public road, and their ability and willingness to deed a forty foot (40') right-of-way to the town.

(2) If the planning commission approves the request, it is then forwarded to the board of mayor and aldermen for review and acceptance.

(2004 Code, § 16-103)

16-104. Subdivision roads. Definition: A "subdivision road" is a road constructed by a developer for the purpose of gaining access to land being sold.

(1) General requirements for road construction. (a) Any owner of land lying within the corporate limits of the Town of Unicoi wishing to construct a road shall submit a plan of such proposed road to the Town of Unicoi Planning Commission for approval prior to the making of any street improvements or installation of utilities. This plan shall meet the standards of design for street acceptance as set forth by the Town of Unicoi Board of Mayor and Aldermen minimum street standards. Once the preliminary plat has been approved by the planning commission the developer can proceed with street improvements as outlined in the Town of Unicoi's minimum street acceptance standards.

(b) After completion of a street, which meets the town's minimum street acceptance standards, the developer shall submit a final plat to the Town of Unicoi Planning Commission. The final plat shall show:

(i) The lines of all streets and roads, reservations, easements, and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations;

(ii) Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, boundary line, and including north point;

(iii) All dimensions to the nearest one hundredth (100th) of a foot and angles to the nearest minute;

(iv) Location and description of monuments;

(v) The names and locations of adjoining streets and the location and ownership of adjoining property;

¹Municipal code reference

Planning commission: title 14, chapter 1.

(vi) Date, title, name and location of street, graphic scale and north point;

(vii) Location sketch map showing street in relation to area.

(c) When the final plat has been approved by the planning commission one (1) copy will be returned to the developer, with the approval of the planning commission certified thereon, for filing with the county registrar as the official plat record.

(2) Subdivision inspection procedure. In order to ensure the proper development of subdivisions within the corporate limits of the Town of Unicoi, a subdivision inspection system has been established. The planning commission will appoint a committee to inspect the progress of all developing subdivisions within its jurisdiction. The committee will inspect each developing subdivision three (3) times.

(a) There will be an inspection immediately following clearance of the right-of-way, and construction of subgrade;

(b) Immediately following the laying and compacting of the six inch (6") stone base;

(c) Before final approval is requested in order to ensure that ditching, paving, culverts, seeding, etc., have been accomplished.

The developer of a subdivision will be responsible for notifying the committee during each of the above mentioned steps. The committee will make its inspection promptly to ensure a minimum of delay to the developer.

(3) Subdivision road specifications/minimum street acceptance standards. The right-of-way for any road or roads entering into and exiting from any subdivision shall be at least forty feet (40') in width.

(a) For the purpose of this chapter, the Town of Unicoi Planning Commission shall have the responsibility in determining whether a road is to be classified as a subdivision road.

(b) All subdivision roads shall have at least twenty-two feet (22') of paved road bed with a minimum of three feet (3') of shoulder on each side of the road. The paved portion of the road shall consist of a minimum of four inches (4") of gravel base which base must be of one inch (1") diameter or less gravel and shall be topped by two inches (2") of fine gravel or chat properly graded and rolled or packed. The road will then be paved with a minimum of two inches (2") of asphalt. The asphalt topping must be of the same quality as that used by the State of Tennessee on state secondary roads. (2004 Code, § 16-104)

16-105. Non-subdivision roads--minimum acceptance standards for new construction. (1) The following minimum standards are prescribed for roads constructed by private contractors or individuals if title to these roads is to be accepted by the Town of Unicoi.

(2) Specifications. (a) The right-of-way for all other roads (paved, unpaved or gravel roads), not constructed in conjunction with the development of a subdivision but for which the Town of Unicoi is to accept title, shall be at least forty feet (40') in width.

(b) All other unpaved or gravel roads, for which the Town of Unicoi is to accept title, shall have a road bed of at least twenty-two feet (22') with a minimum of three feet (3') of shoulder on each side of the road and shall be properly graded and drained.

(c) The road bed of all unpaved or gravel roads mentioned above shall have at least four inches (4") of gravel of which the bottom three inches (3") must be of one inch (1") diameter gravel, or less, topped by one inch (1") of fine gravel or chat properly spread and graded.

(d) Road banks shall be sloped to prevent rapid run-off of water and rock or mud slides.

(e) Ditch lines shall be deep enough to carry that volume of water resulting from one inch (1") of rain falling within one (1) hour.

(f) Tiles and culverts shall be of concrete or corrugated metal material and shall be of sufficient size to properly drain all ditch lines and feeder streams coming into them.

(g) Any tile or culvert at least sixteen inches (16") and not more than twenty-four inches (24") in diameter shall have a header built of eight inches (8") of reinforced concrete or eight inch (8") concrete or cinder blocks filled with concrete and reinforced both horizontally and vertically with steel. Tiles or culverts over twenty-four inches (24") in diameter shall have a twelve inch (12") header constructed according to the specifications contained in this subsection. (2004 Code, § 16-105)

16-106. Drainage requirements – all roads. (1) Each plat submitted for approval shall include a drainage plan. The plan shall include controls for water altered from its natural course and shall control the water until it is returned to its natural course. The controls shall include temporary measures for sedimentation and erosion control. The plan shall be prepared by a qualified person.

(2) The minimum culvert size shall be eighteen inches (18") and shall extend at least one foot (1') beyond the toe of the slope. (2004 Code, § 16-106)

16-107. Public roads. The Town of Unicoi Planning Commission (in conjunction with the road commissioner) has developed and made available to the public, a list of all roads in the Town of Unicoi whose title has been transferred to the town and which the town maintains.

Any roads within the Unicoi town limits, not listed on the referenced list¹, are designated as private roads. (2004 Code, § 16-107)

16-108. Administration. The road commissioner will keep a schedule of paving priorities of unpaved roads, and a schedule of maintenance of existing paved roads including forecasts of anticipated expenses.

The town recorder will provide monthly reporting to the road commissioner of monthly and year-to-date road expenses, with a comparison to budget.

The town recorder will maintain records of all completed paving projects since the inception of the Town of Unicoi.

The planning commission will present requests for road acceptance to the board of mayor and aldermen, citing criteria, forecast level of maintenance, whether or not the road is in a subdivision, and any other pertinent information. (2004 Code, § 16-108)

16-109. Driveway cuts and construction. (1) Properties having fifty feet (50') or less of public road frontage are permitted only one (1) drive entrance. Properties with more than fifty feet (50') of public road frontage are allowed two (2) or more entrances upon review and approval for the Unicoi planning commission and the board of mayor and aldermen unless a corner lot is more than fifty feet (50') total frontage on both roads.

(2) All driveways must be connected at a right angle with the town public road.

(3) Driveways shall be designed with as long a site distance as possible. Where possible, the drive shall not be located on a curve or hill.

(4) Driveways shall not be located nearer than twelve and one half feet (12 1/2') from the interior property line representing any road along the side of the property, which intersects with the public road along the front of the property.

(5) All driveway cuts shall meet all of the applicable standards as follows:

(a) Driveways shall be constructed to conform to the existing paved street grade.

(b) Driveway width shall be adequate to provide sufficient turning radius and the driveway shall be as near level as possible at the road entrance to provide for easy and safe ingress and egress and to provide good visibility.

(c) Driveways shall cross the sidewalk area (if any) to allow for a smooth and continuous sidewalk (either existing or proposed) along the town rights-of-way.

¹The list of Town of Unicoi roads is available in the office of the recorder.

(d) Driveways shall have a sufficient rock or stone base to keep mud and dirt off of the road.

(e) Driveway drainage tiles shall be installed in a manner that will not impair or alter the existing drainage. These tiles shall be a minimum of twenty feet (20') in length.

(f) Driveway drainage tiles to be located within the town rights-of-way must be concrete. Driveway drainage tiles not to be located within town rights-of-way may be galvanized metal, plastic, or concrete. If plastic is used it must meet state specifications and have headwalls installed. All drainage tiles must be covered with a minimum of twelve inches (12") of crusher run stone. The driveway tile must have a minimum diameter of fifteen inches (15"), but not to exceed twenty-four inches (24") unless specified by an engineer. The driveway tile shall not be of such a size as to adversely affect drainage above and below the property.

(g) If the driveway has a five percent (5%) or greater slope from the road, the first twenty feet (20') of the driveway from the edge of the pavement must be paved with concrete or asphalt. A French drain must be installed no more than five feet (5') from the public road edge. Concrete must have a minimum thickness of four inches (4") and asphalt should have a minimum thickness of two inches (2") after compaction.

(h) Cuts to existing curbing and or streets shall be done by sawing; curbs and/or street shall be repaired to original condition. This shall be the responsibility of the property owner and, if used, the contractor. No certificate of occupancy shall be issued until this work is complete. The responsibility of the property owner and contractor for the road's condition shall extend for one year after the certificate of occupancy is issued.

(i) Property owners shall be responsible for maintaining driveways and cleaning up any material that washes off the driveway into the right-of-way.

(j) Property owners shall be responsible for securing a permit for an Aquatic Resource Alteration Permit (ARAP) from the Tennessee Department of Environment and Conservation, which include: dredging, excavation, channel widening, or straightening;

(k) Bank sloping; stabilization; channel relocation; water diversions or withdrawals; dams, weirs, dikes, levees or other similar structures; flooding, excavating, draining and/or filling a wetland; road and utility crossings; structural fill. (Only if applicable) a copy of the (ARAP) permit shall be submitted to the building inspector prior to commencing driveway construction.

(6) The road commissioner, town recorder or building inspector may require a bond to cover damages to the town road from construction of driveways

or installation of utilities along or across the town road. The amount of such bond shall be determined by the road commissioner.

(7) A driveway cut permit and inspection is required for:

(a) Any new driveway cut; or

(b) Any substantial improvements to an existing driveway, which extends into the right-of-way.

A permit must be issued by the building inspector or town recorder prior to the commencement of any work. The purpose of the permit is to assure the proper placement and construction of new driveway connections.

(8) It shall be unlawful for any grading contractor to initiate construction of a driveway entrance until a permit is obtained by the property owner and contractor as required in this chapter. A field inspection shall be required prior to the issuance of a driveway cut permit. Applicants must complete the following before beginning any work:

(a) Contact town hall to request a field inspection prior to constructing a driveway. The property owner shall provide his name, phone number, and address and/or subdivision name and lot number. The name of the contractor, address and phone number is also required.

(b) The property owner should locate the proposed driveway connection location and width with flags or spray paint at the edge of pavement.

(c) The inspector will inspect the location within three (3) business days of contact. The inspector will provide an inspection report which will either approve the requested location for the new driveway location and specify the size of the drain tile required for adequate drainage or deny the location and state the reason for denial and state the item(s) needed for a re-inspection.

(d) A copy of the inspection report will be sent to the property owner and town hall.

(e) The property owner may proceed with the driveway connection upon receipt of the field inspection report. Once work is complete, the property owner should contact town hall to request a final inspection.

(9) The penalty for each violation of this section shall be punishable as a Class C misdemeanor, with a fine of up to fifty dollars (\$50.00), plus Town of Unicoi Municipal Court costs. Anything done on town property must have prior approval before it is done. (Ord. #2013-228, Aug. 2013)

16-110. Signs. (1) Any signs removed to allow delivery or installations must be replaced by the property owner.

(2) Any signs knocked down or destroyed by contractors or suppliers must be repaired or replaced by the property owner who hired/contracted the work.

(3) Green road name signs indicate that the road is a public road, owned and maintained by the Town of Unicoi. Contact town hall to order these signs.

(4) Blue road name signs indicate that the road is a private road. Contact the Unicoi County Sheriff's Office Dispatcher to order these signs.

(5) From and after March 1, 2008, no public road or roads within the Town of Unicoi shall be named after individual persons.

(6) From and after March 1, 2008, no private road or roads within the Town of Unicoi shall be named after individual persons.

(7) From and after April 1, 2008, no public road or roads within the Town of Unicoi shall be named any name which duplicates the name of another public or private road within Unicoi County, Tennessee. This prohibition includes, but is not limited to, naming a road which duplicates any other road name without consideration of different road designations such as lane, drive, road, etc. Therefore, it shall not be permitted for a road to be named, for example, Unicoi Road as there is already a Unicoi Drive within Unicoi County, Tennessee.

(8) From and after April 1, 2008, no private road or roads within the Town of Unicoi shall be named any name which duplicates the name of another public or private road within Unicoi County, Tennessee. This prohibition includes, but is not limited to, naming a road which duplicates any other road name without consideration of different road designations such as lane, drive, road, etc. For example: It shall not be permitted for a road to be named, Grindstaff Lane as there is already a Grindstaff Road within Unicoi County, Tennessee. (2004 Code, § 16-110)

16-111. Repairs. Citizens should route all complaints, notifications and requests through the town recorder who will maintain a log of all requests, notifications, etc. The town recorder will notify the road department of dead animals and road debris that needs to be collected as well as requests for maintenance and repairs. The road commissioner will read the log regularly, and handle all other types of issues, such as pot holes, ditching, tiles, paving and major road work. The road commissioner and town recorder will enter comments to the log which will indicate action taken, solution and/or resolution. Unicoi Road, Route 107 (Limestone Cove Road) and Unicoi Drive between Unicoi Road and Route 107 are state roads and therefore maintained by the State of Tennessee. (2004 Code, § 16-111)

16-112. Snow removal. The town is responsible for snow removal on public roads. Citizens should contact town hall regarding any complaints or special requests. (2004 Code, § 16-112)

16-113. Mowing right-of-way. The town is responsible for clearing growth from rights-of-way on public roads. Citizens should contact town hall regarding any complaints or requests. (2004 Code, § 16-113)

16-114. Drainage tile. The town, upon request by citizens owning property within the town which abuts public right-of-way sufficient in area for installation of drainage tile, shall provide labor to install up to twenty feet (20') of tile to serve one (1) driveway for access to the citizen's residential property in accordance with the following conditions:

(a) The landowner must call and have appropriate, necessary markings placed by TN 1-800-Dig;

(b) The landowner must pay for all tile, gravel and other material required for the installation;

(c) The town shall not be responsible for any concrete or other headwall installation necessary for the tile installation. Responsibility for any headwall installation, both materials and labor, shall be the responsibility of the landowner seeking installation of the tile; and

(d) The installation of drainage tile as aforesaid must take place only upon public right-of-way. (2004 Code, § 16-114)