

## TITLE 16

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

#### CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. MAJOR STREET PLAN.

#### 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. Official system of street names established.
- 16-112. Animals and vehicles on sidewalks.
- 16-113. Fires in streets, etc.
- 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. (1973 Code, § 12-101)

**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 out over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1973 Code, § 12-102)

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<sup>1</sup>Municipal code reference

Related 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. (1973 Code, § 12-103)

**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> (1973 Code, § 12-104)

**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 any public street or alley except when expressly authorized by the board of commissioners after a finding that no hazard will be created by such banner or sign. (1973 Code, § 12-105)

**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. (1973 Code, § 12-106)

**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. (1973 Code, § 12-107)

**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. (1973 Code, § 12-108)

**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. (1973 Code, § 12-109)

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<sup>1</sup>Municipal code reference

Building code: title 12, chapter 1.

**16-110. Parades, etc., regulated.** It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or exhibition on the public streets without some responsible representative first securing a permit from the recorder. No permit shall be issued by the recorder unless such activity will not unreasonably interfere with traffic and unless such representative 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 obtaining such a permit to fail to carry out his agreement to immediately clean up the resulting litter. (1973 Code, § 12-110)

**16-111. Official system of street names established.** There is hereby established an official system of street names in the City of Fairview as shown on the map entitled Street Numbering Map, date May 11, 1978, as produced by the municipal planning commission, a copy of which is attached to and made part of this ordinance as recorded in the minute book.

Names of streets in the City of Fairview shall remain as shown on said map unless officially changed by specific ordinance passed subsequent to this date.<sup>1</sup>

No new streets shall be accepted by the city nor municipal improvements made therein until such streets have been named; if they are extensions of existing streets, the existing names shall be continued, and if not extensions, names recorded shall not duplicate or closely approximate street names already assigned. (1973 Code, § 12-111)

**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 to unreasonably interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person to knowingly allow any minor under his control to violate this section. (1973 Code, § 12-112)

**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. (1973 Code, § 12-113)

**16-114. Violations and penalty.** Violations of this chapter shall subject the offender to a penalty of up to one hundred dollars (\$100) for each offense.

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<sup>1</sup>See Ord. #188, #271, #277, and #383 of record in the recorder's office, for amendments.

## CHAPTER 2

### EXCAVATIONS AND CUTS<sup>1</sup>

#### SECTION

- 16-201. Definitions.
- 16-202. Utility district/companies' surety.
- 16-203. Administration.
- 16-204. General policy and construction standards.
- 16-205. Construction permit.
- 16-206. License.
- 16-207. Service line encasement.
- 16-208. Driveway and access.

**16-201. Definitions.** (1) "City," shall mean the City of Fairview, Tennessee and/or its public works authority.

(2) "Director," shall mean the city manager, director of public works and/or their designee.

(3) "Contractor," shall mean anyone licensed by the State of Tennessee to do work which requires installation or installations in the public right-of-way.

(4) "Emergency," shall mean any event, which may threaten public health or safety, where action is necessary to prevent personal injury, death or the loss or disruption of a private or public utility or service. The burden of proof of the existence of any and all emergency conditions rests with the applicant.

(5) "Excavation," shall mean any operation in which earth, rock, paving or like material, on, or below the surface of the ground, is moved, displaced, dug, trenched, tunneled or in any similar manner disturbed, except the agricultural tilling of soil or gardening.

(6) "Applicant," shall mean a person applying for a permit required by this chapter.

(7) "Permit holder," shall mean a person who has obtained a permit as required by this chapter. An applicant may be any natural or corporate "person," business association or other business entity including, but not limited to, a partnership, a sole proprietorship, a corporation, a limited liability company, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any other legal entity.

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<sup>1</sup>State law reference

This chapter was patterned substantially after the ordinance upheld by the Tennessee Supreme Court in the case of City of Paris, Tennessee v. Paris-Henry County Public Utility District, 207 Tenn. 388, 340 S.W.2d 885 (1960).

(8) "Public right-of-way," shall mean the entire width between property lines of every way and place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of traffic, except for private roads and private ways. The definition shall include the area on, above and below the public right-of-way, dedicated to public use, and any dedicated, but unaccepted street or way. The definition shall also include any publicly owned space or park. A right-of-way does not include the airwaves above a right-of-way with regard to cellular or other non-wire telecommunications or broadcast service.

(9) "TDOT," shall mean the Tennessee Department of Transportation.

(10) "Technical and design standards," shall mean the standards cited herein and adopted by the City of Fairview, Tennessee including the Tennessee Department of Transportation (TDOT) Standards and Specifications for Highways and Bridges, latest edition.

(11) "Utility," shall mean a public utility, as defined by state, federal or local statutes or ordinance as they exist at the time of this chapter or as they may be hereinafter amended and shall specifically include the non-regulated activities of such a utility.

(12) "Open-cut excavations," shall mean excavation other than boring, jacking or tunneling. (as added by Ord. #547, July 2003, and amended by Ord. #560, Nov. 2003)

**16-202. Utility district/companies' surety.** Every utility district, authority, company or individual currently having facilities (transmission lines, etc.) within the city's public streets and/or rights-of-way, plus any other such district, authority, company, or individual that may from time to time have occasion to operate within the city's accepted public road system, shall maintain a continuous performance/surety bond to the City of Fairview, Tennessee in a minimum amount of ten thousand dollars (\$10,000.00). The form and content shall be in accordance with this chapter, Attachment "A" performance/surety form required. Attachment "B" is the permit form required.<sup>1</sup> (1973 Code, § 12-201, as renumbered and amended by Ord. #547, July 2003, and amended by Ord. #680, Sept. 2007)

**16-203. Administration.** (1) The city manager and public works director are the responsible authorities for the enforcement of this chapter.

(2) An excavation permit is required prior to the commencement of any excavation in the roads, streets and rights-of-way of the City of Fairview, Tennessee. It shall be unlawful for any person, company, or entity to excavate, or to place, deposit or leave upon any street any earth or other material, equipment or structure tending to interfere with the free use of the roads,

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<sup>1</sup>Attachments "A" and "B" are available in the office of the city recorder.

streets and rights-of-way, unless such person, company or entity shall first have obtained an excavation permit.

(3) All applications for excavation permits shall be in writing and shall be accompanied by a sketch that clearly details the area to be excavated, the length, width, and depth of the proposed excavation and an estimated number of days to complete the excavation. (Sample excavation permit request letters and sketches shall be provided by the City of Fairview, Tennessee upon request).

(4) All federal and state and local requirements for safe operation within the right-of-way shall be followed, including, but not limited to, OSHA, TOSHA, Tennessee Code Annotated and the Manual of Uniform Traffic Control Devices.

(5) The permit holder shall hold harmless the City of Fairview, Tennessee and its duly authorized agents and employees against any action for personal injury or property damage sustained by reason of the exercise of any permits issued under this chapter.

(6) Only contractors and public utilities with a valid permit are permitted to work in the roads, streets and public rights-of-way of the City of Fairview, Tennessee.

(7) Environmental considerations. (a) In the course of any work in the roads, streets or rights-of-way, of the City of Fairview, Tennessee, the permit holder shall not remove any trees or shrubs which exist in the area without first obtaining the approval of the city manager or the director of public works.

(b) Consideration shall be given by all holders relative to elimination of erosion and sedimentation control for all excavations in the streets, roads and rights-of-way of the City of Fairview, Tennessee.

(8) The city manager or the public works director or their designee shall make such inspections as are necessary in the enforcement of this chapter.

(9) Permit holders shall maintain accurate drawings, including plans, and profiles showing the location and character of all underground structures including abandoned installations proximate to their work.

(10) Penalty. Any person, firm, corporation or entity or any type who shall violate any provision of this chapter shall be subject to a fine in an amount established by order of the board of commissioners. Each day of continued violation, and every violation of a provision of this chapter shall constitute a new and separate offense.

(11) If any work performed under any permit issued under this chapter is not completed in compliance with the terms of this chapter, the City of Fairview, Tennessee, may cause such work to be repaired and deduct the costs of such work from the performance guarantee or surety. In the event such repair was undertaken without a permit, the City of Fairview, Tennessee shall prepare a bill for the cost of the repair, plus an additional amount of fifty (50) percent to be paid by the person doing the work. The City of Fairview, Tennessee shall issue no further permits to any person or entity who has

performed such work until the City of Fairview, Tennessee receives payment from the person or entity for the repair work.

(12) Open-cut excavations beneath paved roads or streets for the installation of utility pipelines, cables or conduits is prohibited except when:

(a) The proposed pipeline, cable or conduit has a nominal diameter greater than twelve (12) inches.

(b) A connection is required to an existing pipeline, cable or conduit within the limits of the road or street pavement.

(c) In the opinion of the public works director, the location of other existing infrastructure makes boring, jacking or tunneling not safe or not practical.

(d) An emergency repair is required.

(e) When approved by the board of commissioners.

(13) Working hours. Except for emergency repairs or as approved by the director, working hours shall be between the hours of 8:30 A.M. and 3:30 P.M. prevailing time. Starting or warming up equipment prior to 8:00 A.M. is prohibited. Work on the weekend or legal holidays is prohibited unless specifically authorized by the director. (as added by Ord. #547, July 2003, and amended by Ord. #560, Nov. 2003)

**16-204. General policy and construction standards.** (1) Protection and restoration of highway items and protection of the traveling public.

(a) Maintenance. The permit holder shall be responsible for maintaining the excavated/construction area in a safe, passable condition satisfactory to the City of Fairview, Tennessee until the project is accepted by the city. A temporary bituminous patch shall be placed on all trenches that cannot be permanently patched within 48 hours of initial disturbance. Permanent restoration of the pavement structure including hot bituminous base and surface shall be made within 15 days of the completion of the project unless the time for restoration is specifically extended by the City of Fairview, Tennessee for good cause shown.

One lane of traffic shall be maintained at all times, unless traffic has been detoured to a route with prior approval of the City of Fairview, Tennessee. The permit holder shall provide traffic control officers, barricades, lights, warning signs and other devices as required to safeguard traffic and pedestrians while the work is in progress.

Two-way traffic shall be maintained during all non-working hours, unless approved by the city manager, the public works director or their designated replacement of the City of Fairview, Tennessee. In the event that two-way traffic cannot be maintained during these hours, the permit holder shall install and maintain barriers and lights, as specified in the

Manual of Uniform Control Devices until a permanent surfacing has been installed.

All equipment, and materials shall be removed and located off the highway during non-working hours.

A highway, street, road or right-of-way excavation permit does not authorize parking or servicing vehicles within such highway, street, road or right-of-way.

(b) Removal and protection of utilities. The permit holder shall not interfere with any existing utility other than their own facilities without the written consent of the utility company, person or entity owning the utility. If it becomes necessary to remove an existing utility, this shall be done by its owner. No utility owned by the City of Fairview, Tennessee shall be moved to accommodate the permit holder unless the cost of such work be born by the permit holder. The cost of moving privately owned utilities shall be borne by the permit holder unless he makes other arrangements with the utility owner. The permit holder shall support and protect all pipes, conduits poles, wire or other apparatus which may be in any way affected by the excavation work. Such support will be installed after informing the utility owner and seeking his assistance/advice of the proper method to support the utility to being supported. In case any of said pipes, conduits, poles, wire or apparatus should be damaged, they shall be repaired by the utility, company, person or entity owning them and the expense of such repairs shall be charged to the permit holder. The permit holder shall be responsible for any damage done to any public or private property by reason of the damage any water, sewer, gas, pipe, electric conduit or cable or any other utility. The permit holder shall inform itself as to the existence and location of all underground utilities and protect the same against damage. Above ground utilities abandoned as a result of relocation or replacement shall be removed in its entirety.

**No permit holder shall begin any excavation on any City of Fairview, Tennessee streets, roads, rights-of-way, or any other city property unless and until the permit holder has fully complied with all provisions of the "Underground Utility Damage Prevention Act", Tennessee Code Annotated, § 65-31-102 etc., its subsequent revisions and or replacements.**

(c) Protection of adjoining property. The permit holder shall at all times and at his own expense preserve and protect from damage any adjoining property by providing proper protection and taking other measures necessary for the purpose. Where the protection of such property is necessary to enter upon private property for the purpose of taking appropriate protective measures, the permit holder shall obtain a release from the owner of such private property and provide a copy of the release to the City of Fairview, Tennessee. The permit holder shall, at its



own expense shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damage to public or private property resulting or directly and proximately resulting from its failure to properly protect said facilities during the period of excavation.

(d) Restoration and replacement. The permit holder shall be responsible for permanently restoring or replacing street, roadway and right-of-way items damaged as a consequence of any construction operations. These items are to be permanently replaced in kind, in the same thickness and to the same grade as originally found and shall include, but not be limited to, the following items:

- (i) Bituminous pavement (Asphalt);
- (ii) Portland Cement Concrete Pavement, including that displaced by blasting, undermined, or broken by construction equipment. Concrete pavement under, bituminous pavement shall be replaced with (flow fill) of equal thickness;
- (iii) Bituminous, concrete and brick sidewalks;
- (iv) Aggregate base and subbase material under roadways, shoulders, and walks;
- (v) Curbing, all types;
- (vi) Gravel surfacing and shoulders;
- (vii) Turf slopes and shoulders;
- (viii) Drainage pipes, structures, and ditches;
- (ix) Guard rail and fencing;
- (x) Property and other survey monuments.

The permit holder shall guarantee the restoration/replacement against defects in material and workmanship for a period of one (1) year from the date of acceptance by the City of Fairview, Tennessee, and shall replace any defective work at the written directive of the City Manager or Public Works Director of Fairview, Tennessee. Failure to replace any defective work shall be cause for the city manager or public works director to revoke the permit holder's permit and no further excavation permits shall be issued to him until the replacement issue is solved.

(e) Emergency coordination. In addition to any other requirements of any section of this section, the permit holder shall furnish the City of Fairview City Manager, Public Works Director, Police Department and the Fire Department with a list of names, addresses, telephone numbers, cell phone numbers of permit holder personnel who may be reached in case of emergency during hours when no work is being performed including weekends and holidays.

(2) Construction standards. (a) All excavations on paved street/road surfaces shall be precut in a neat straight line with saws. Cutouts of the trench lines must be perpendicular or parallel to the trench line. Pavement edges shall be trimmed to a vertical face and neatly aligned

with the centerline of the trench. Unstable pavement over cave-ins shall be removed and aggregate bases restored. Jointed or broken pavement within one (1) foot of the restoration edge shall be removed. Prior to permanent surfacing the pavement shall be saw cut an additional one-foot (1) beyond the disturbed edge and removed.

(b) When multiple openings are located with less than five (5) feet of original pavement remaining between adjacent openings, the permit holder shall neatly cut and remove the area of pavement between these adjacent area and shall patch as one trench.

(c) All previous sections shall also apply to sidewalks. On concrete sidewalks, all cuts shall be made to the nearest joint or score line on either side of the excavation. All sidewalk restorations shall be in accordance with the requirement of Paragraph (2)(d).

(d) All backfilling of streets, roadways and rights-of-way of the City of Fairview, Tennessee shall be done in accordance with the following standards:

(i) All work must be conducted in strict accordance with the latest regulations of OSHA, TOSHA for excavations, and any other applicable safety regulations.

(ii) All work must be protected from freezing during the appropriate season;

(iii) Whenever water is found standing in the excavation area, the water shall be removed by pump or other means before backfilling operations can commence.

(iv) Backfilling of excavations shall be performed by the permit holder as soon as practicable so that the least possible subsequent settling will occur. Backfill material shall be spread in layers not exceeding eight (8") inches in loose depth and compacted to no less than 95% of the maximum dry density of the material as established by ASTM D1557. All backfill shall be crushed gravel or fillable flow as required by the City Manager or Public Works Director of Fairview, Tennessee. Debris removed from the excavation will not be allowed as backfill. The permit holder shall notify the City Manager or Public Works Director of Fairview, Tennessee prior to beginning the backfilling operations to allow adequate time for inspection of the filled area(s).

(v) All excavated material shall be removed from the job site and disposed by the permit holder, in such a manner that will minimize interference with pedestrian and vehicular traffic. No material shall be left within the streets, roads or right-of-way of the City of Fairview, Tennessee once the repair and/or installation is complete.

(e) Temporary resurfacing shall be provided by the permit holder from the time of excavation until final restoration and resurfacing.

Temporary resurfacing shall consist of a minimum of two (2) inches of compacted temporary bituminous surfacing. Such temporary material shall be cold-mix except that the permit holder under this article may or the City of Fairview, Tennessee, may require in some instances hot-mix. The temporary surface material shall be placed and compacted to provide smooth even surface for the safe passage of pedestrian traffic and safe vehicular travel at the legal posted speed. The permit holder shall maintain the temporary paving for the entire period of time until the permanent restoration shall be made. In appropriate instances the City of Fairview, Tennessee may require the permit holder to top off cold-mix with sand to prevent the cold mix from sticking to the feet of pedestrian traffic.

(f) Permanent restoration of the pavement structure shall consist of flowable fill subbase installed from the bottom of the excavation on top of any installed pipes, conduits etc. to the surface or on top of any compacted gravel fill a minimum depth of fifteen (15) inches to within three (3) inches of the surface. The surface shall be minimum three (3) inches of hot mix bituminous asphalt topping and shall be installed in accordance with the latest TDOT specification.

(g) All temporary resurfacing shall be maintained for the safety of pedestrian and vehicular traffic until the permanent, restoration is made. The permit holder shall erect and maintain warning signs, barriers, lights, as specified in the Manual of Uniform Traffic Control Devices until a permanent surfacing has been installed.

(3) Excavations in reconstructed or repaved roads. After a road or street of the City of Fairview, Tennessee has been reconstructed or repaved, an excavation permit shall not be granted for five (5) years unless an emergency condition exists or unless the necessity for making such installation could not have been reasonably foreseen at the time of the reconstruction or repaving. This section shall be void unless the City of Fairview shall have given sixty (60) days notice by register or certified mail of the impending work to all public utilities serving the City of Fairview, Tennessee.

Notwithstanding the foregoing section the board of commissioners may grant an excavation permit to public utilities or individuals to excavate in a street or roadway of Fairview, Tennessee if the proposed excavator agrees to pay in addition to the excavation permit fee an amount equal to the cost per square foot of street to be excavated for reconstruction and or repaving the street for which the excavation permit is sought. Permits issued under this paragraph require the same restoration procedures as permits issued routinely.

(a) Regulation of heavy loads. Upon the recommendation of the city manager and approval of the board of commissioners, and after thirty (30) days' notice published three (3) times in a newspaper of general circulation in the community, the City of Fairview, Tennessee, may post gross vehicle weight limits on city road, or street within the city.

(4) Administration. The City of Fairview will issue excavation permits upon the filing of a proper request for the permits. Each request for an excavation permit shall be accompanied by proof of insurance in the minimum amounts listed below.

(a) Each permit holder shall maintain at all times a minimum of \$1,000,000.00 public liability insurance coverage protecting himself, his agents and the City of Fairview, Tennessee from all such claims for damages or injuries and naming the City of Fairview, Tennessee as an additional insured. Evidence of such coverage shall be a condition precedent to the issuance of any permit to excavate and shall be submitted in a form satisfactory to the City Manager of the City of Fairview, Tennessee. Coverage shall be maintained throughout the period of work performed under this ordinance and shall not be less than the following amounts:

(i) General liability including comprehensive form, premises/operations, underground explosion and collapse hazard, products/completed operations, contractual, independent contractors, broad form property damage and personal injury.  
\$1,000,000.00 Bodily Injury and Property Damage Each Occurrence

\$1,500,000.00 Bodily injury and Property Damage Aggregate  
\$1,000,000.00 Personal Injury Aggregate.

(ii) Automobile liability including any vehicle, hired vehicle and non-owned vehicle \$1,500,000.00 bodily injury and property damage combined.

(iii) Workers compensation and employer's liability as required by the State of Tennessee.

An excavation permit, issued to any entity may be revoked after notice and hearing, when the holder of the permit has willfully disobeyed any portion of this article. (as added by Ord. #547, July 2003)

**16-205. Construction permit.** (1) No person shall alter, cut, or repair any shoulder, pavement, or other improvement of public streets that have been accepted by the City of Fairview unless he holds a valid permit issued in his name for the specific construction cut or repair proposed. Said permit shall be obtained prior to beginning construction, alteration, cut or repair of the road.

(2) The permit shall require specific conditions considered vital to the protection of the city's property, as well as the interest, welfare, and safety of the general public. Acknowledgment of receipt of a copy of this regulation shall be a part of the permit application. By issuance of this permit, the contractor will be required to conform to this regulation. Once physical work has commenced upon the road, each contractor as recipient of the permit, agrees to perform the work in accordance with the provisions and conditions of the permit and the rules and regulations governing the construction, alteration or cutting of city

streets. Inspection by an engineering firm, paid for by the contractor and hired by the city may be required for extensive construction as a provision of the permit to ensure proper construction. The permit will also require that the city will be notified prior to any backfilling or prior to bedding of any utility.

(3) Permits for work not being performed for a utility district or other company already having posted surety in accordance with provisions herein, will also require that adequate surety be provided as a requirement for the issuance of the permit. Additional specific surety may also be required from the utility district for major projects that are to be accomplished for an already bonded district, authority, or company if the likelihood exists that damage to city property in excess of \$10,000 could occur. Such surety shall be in an amount established by the board of commissioners or its duly authorized representative, and shall be in accordance with the bonding and surety requirements established in the Fairview Subdivision Regulations, and shall be valid for a minimum of one year.

(4) Construction permit. A one hundred dollar (\$100.00) remitting charge shall be collected for each road cut or road bore. Work being accomplished on the same side of the street as the utility service and not requiring a partial cut or bore or any disturbance of the city street will be exempt from the one hundred dollar (\$100.00) permit fee, but will require an approved permit by the public works director.

(5) Emergency. In addition to other emergency requirements of this section, in the case of an emergency situation where a permit cannot be obtained in a timely manner because of an unanticipated occurrence such as a break in a utility line, a licensed contractor may perform the emergency repair work provided that:

(a) A permit that meets all the requirements of this regulation is applied for no later than the next regular City of Fairview working day; and

(b) The utility district or other company for which the work is being accomplished has posted the appropriate bond in accordance with the provisions herein.

(6) A permit may be denied, suspended or revoked when the city manager has determined that the operation is not being and/or will not be conducted in a manner as prescribed by applicable city regulations. Any violations deemed of a significant nature by the city manager, or unwarranted damages done to the highway, right-way-system, may result in a permit being denied, suspended or revoked. The city manager shall report all such actions to the board of commissioners at their next regularly scheduled meeting.

(7) Failure to obtain a permit, or obtaining a permit under the emergency provisions when no emergency exists, may also be grounds for revocation of future requests for permits. (1973 Code, § 12-202, as renumbered and amended by Ord. #547, July 2003, and amended by Ord. #679, Sept. 2007)

**16-206. License.** The Department of Commerce and Insurance of the State of Tennessee requires that all persons and companies contracting to perform construction work within the state be qualified and licensed by that department. Requirements for obtaining such a license are determined by the commissioner of the Department of Commerce and Insurance, and may be obtained by contacting the Regulatory Boards Division. All persons and/or the company for which they are employed shall be duly licensed by the Department of Commerce and Insurance, State of Tennessee or other appropriate governmental agency. Proof of currently valid license shall be presented when application is made for a construction permit. (1973 Code, § 12-203, as renumbered by Ord. #547, July 2003, and amended by Ord. #679, Sept. 2007)

**16-207. Service line encasement.** All utility lines installed as full crossings under new roads and right-of-way being platted and constructed as part of a subdivision of property, or existing property, with proposed dedication to the city, shall be encased in a sleeve or conduit using material and installation procedures approved by the city manager. Location of encasement shall be noted on approved construction plans. These and all other service lines shall be installed in accordance with applicable, local, state and federal ordinances, regulations laws and statutes. (1973 Code, § 12-204, as renumbered and amended by Ord. #547, July 2003)

**16-208. Driveway and access.** The location and design of driveways and/or accesses providing vehicular access from arterial, collector, and nonresidential local streets proposed for subdivision of property shall be specified in an access plan submitted to the city engineer for review and recommendation to the planning commission for action. Residential access to local streets shall be approved by the codes department. No curbs or city rights-of-way shall be cut, paved, or otherwise altered until a permit approving the access cut has been secured from the codes department or other agency owning or controlling the street right-of-way.

(1) The city engineer shall approve any and all culverts (relative to size and construction material) to be installed as part of any driveway access.

(2) A fee of twenty (\$20.00) dollars shall be collected by the codes department for each driveway cut or access.

(3) This section shall apply to and only to driveways proposed to be installed on existing public streets that have been accepted by and maintained by the City of Fairview, Tennessee. As previously stated, the location and design of driveways and/or accesses providing vehicular access from arterial, collector, and nonresidential local streets proposed for subdivision of property shall be specified in an access plan submitted to the city engineer for review and recommendation to the planning commission for action. (as added by Ord. #595, Dec. 2004)

**CHAPTER 3**

**MAJOR STREET PLAN**

**SECTION**

- 16-301. Plat required as prerequisite for development of property for residential purposes.
- 16-302. Relation of proposed streets to adjoining street system.
- 16-303. Street widths.
- 16-304. Additional width on existing streets.
- 16-305. Restriction of access.
- 16-306. Street grades.
- 16-307. Horizontal curves.
- 16-308. Vertical curves.
- 16-309. Intersections.
- 16-310. Tangents.
- 16-311. Street jogs.
- 16-312. Dead-end streets.
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**16-301. Plat required as prerequisite for development of property for residential purposes.** No person or corporation shall sell lots or begin development of property for subdivision or residential purposes without filing a formal preliminary plat of said land or development with the planning commission of the city.

From and after the effective date of this chapter (June 1, 1967), any plat for the development of property for subdivision or residential purposes shall set forth the location and width of all streets and roads which shall be in accordance with the following requirements. (1973 Code, § 12-301)

**16-302. Relation of proposed streets to adjoining street system.** The proposed street system shall extend existing streets or projects. They shall be extended at a width no less than the required minimum width. (1973 Code, § 12-302)

**16-303. Street widths.** The minimum width of rights-of-way, measured from lot line to lot line, shall be as shown on the major street plan, or if not shown on such plan, shall not be less than as follows:

- (1) Arterial streets and highways..... 80 feet

Arterial streets and highways are those to be used primarily for fast or heavy traffic and will be located on the major street plan.

(2) Collector streets. . . . . 50 feet  
Collector streets are those which carry traffic from minor streets to the major system or 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. . . . . 50 feet  
Minor streets are those which are used primarily for access to the abutting residential properties and are designed to discourage their use by through traffic.

(4) Marginal access streets. . . . . 50 feet  
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). . . . . 50 feet  
Cul-de-sacs are permanent dead-end streets or courts designed so that they cannot be extended in the future.

(6) Alleys. . . . . 20 feet  
Alleys are minor public ways used primarily for service access to the back or side of properties otherwise abutting on a street.

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. Through proposed neighborhood or local business areas the street widths shall be increased ten (10) feet on each side to provide for movement of vehicles into and out of necessary off-street parking areas without interference with traffic. (1973 Code, § 12-303)

**16-304. Additional width on existing streets.** Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the above minimum street width requirements.

(1) The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.

(2) When the subdivision is located on only one side of any existing street, one-half (½) of the required right-of-way, measured from the center line of the existing roadway, shall be provided. (1973 Code, § 12-304)

**16-305. Restriction of access.** When a tract fronts on an arterial street or highway, the planning commission may require such lots to be provided with frontage on a marginal access street. (1973 Code, § 12-305)

**16-306. Street grades.** Grades on major streets shall not exceed seven (7) percent. Grades on other streets may exceed seven (7) per cent but not ten (10) per cent. (1973 Code, § 12-306)



**16-307. Horizontal curves.** Where a deflection angle of more than ten (10) degrees in the alignment of a street occurs, a curve of reasonably long radius shall be introduced. On streets sixty (60) feet or more in width, the centerline radius of curvature shall be not less than three hundred (300) feet; on other streets, not less than one hundred (100) feet. (1973 Code, § 12-307)

**16-308. Vertical curves.** Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of two hundred (200) feet, said sight distance being measured from the driver's eyes, which are assumed to be four and one-half (4-1/2) feet above the pavement surface, to an object four (4) inches high on the pavement. Profiles of all streets showing natural and finished grades drawn to a scale of not less than one (1) inch equals one hundred (100) feet horizontal, and one (1) inch equals twenty (20) feet vertical, may be required by the planning commission. (1973 Code, § 12-308)

**16-309. Intersections.** Street intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than sixty (60) degrees. Property line radii at street intersections shall not be less than twenty (20) feet, and where the angle of street intersection is less than seventy-five (75) degrees, the planning commission may require a greater curb radius. Wherever necessary to permit the construction of a curb having a desirable radius without curtailing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded, or otherwise set back sufficiently to permit such construction. (1973 Code, § 12-309)

**16-310. Tangents.** A tangent of at least one hundred (100) feet in length shall be introduced between reverse curves on arterial and collector streets. (1973 Code, § 12-310)

**16-311. Street jogs.** Street jogs with center-line offsets of less than one hundred twenty-five (125) feet shall not be allowed. (1973 Code, § 12-311)

**16-312. Dead-end streets.** (1) Minor terminal streets or courts designed to have one end permanently closed shall be no more than five hundred (500) feet long unless necessitated by topography. They shall be provided at the closed end with a turn-around having an outside roadway diameter of at least eighty (80) feet and a street right-of-way diameter of at least one hundred (100) feet or the planning commission may approve an alternate design.

(2) Where, in the opinion of the planning commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property. Such dead-end streets

shall be provided with a temporary turn-around having a roadway diameter of at least eighty (80) feet. (1973 Code, § 12-312)

**16-313. Private streets and reserve strips.** There shall be no private streets platted in any subdivision. Every lot in subdivided property shall be served from a publicly dedicated street. There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the community under conditions approved by the planning commission. (1973 Code, § 12-313)

**16-314. Street names.** Proposed streets which are obviously in alignment with others already existing and named, shall bear the names of existing streets. In no case shall the name for proposed streets duplicate existing street names, irrespective of the use of the suffix street, avenue, boulevard, driveway, place, or court. Through its index list of street names on file, the planning commission can assist the subdivider in avoiding duplication. (1973 Code, § 12-314)

**16-315. Alleys.** Alleys shall be provided to the rear of all lots used for business purposes, and shall not be provided in residential blocks except where the subdivider produces evidence satisfactory to the planning commission of the need for alleys. (1973 Code, § 12-315)

**16-316. Blocks.** (1) Length. Blocks shall not be less than 800 feet nor more than 1200 feet in length, except as the planning commission considers necessary to secure efficient use of land or desired features of street pattern. In blocks over eight hundred (800) feet in length, the planning commission may require one (1) or more public cross walks of not less than ten (10) feet in width to extend entirely across the block and at locations deemed necessary.

(2) Width. Blocks shall be wide enough to allow two (2) rows of lots, except where fronting on major streets or prevented by topographical conditions or size of the property; in which case the planning commission will approve a single row of lots of minimum depth. (1973 Code, § 12-316)

**16-317. Action of planning commission on plats; appeals.** The planning commission of the city shall examine said plat and ascertain if the street requirements comply with the provisions of this chapter and, within a reasonable time following the filing thereof, shall certify to the applicant the approval or disapproval of said plat.

If the planning commission denies approval of any plat and said denial results in undue hardship to any applicant, said applicant shall have the right, within thirty (30) days following the action of the planning commission, to appeal to the Board of Commissioners of the City of Fairview, Tennessee. (1973 Code, § 12-317)

**16-318. House numbering on city streets.** House numbering on city streets within the City of Fairview shall be in conformity with the street and road numbering plan of Williamson County in order to facilitate the provision of emergency management services. The planning commission shall require compliance with this chapter for all new development within the city. The building inspector of the City of Fairview shall require compliance in previously developed areas of the city. (1973 Code, § 12-318)