

## TITLE 16

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

#### CHAPTER

1. MISCELLANEOUS.
2. EXCAVATIONS AND CUTS.
3. SPECIFICATIONS FOR STREETS, ETC., OF NEW SUBDIVISIONS.

#### 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 regulated.
- 16-111. Animals and vehicles on sidewalks.
- 16-112. Fires in streets, etc.
- 16-113. Washing or repairing vehicles on streets or sidewalks.
- 16-114. Skateboarding on streets and sidewalks.
- 16-115. Street name regulations.

**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. (1995 Code, § 16-101)

**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, alley at a height of less than fourteen feet (14') or over any sidewalk at a height of less than eight feet (8'). (1995 Code, § 16-102)

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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. (1995 Code, § 16-103)

**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> (1995 Code, § 16-104)

**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 mayor and aldermen. (1995 Code, § 16-105)

**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 law. (1995 Code, § 16-106)

**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. (1995 Code, § 16-107)

**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. (1995 Code, § 16-108)

**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. (1995 Code, § 16-109)

**16-110. Parades regulated.** It shall be unlawful for any club, organization, or similar group to hold any meeting, parade, demonstration, or

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<sup>1</sup>Municipal code reference

Building code: title 12, chapter 1.

exhibition on the public streets without some responsible representative first securing a permit from the chief of police. No permit shall be issued by the chief of police 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 clean up the resulting litter immediately. (1995 Code, § 16-110)

**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 to interfere with or inconvenience pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1995 Code, § 16-111)

**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. (1995 Code, § 16-112)

**16-113. Washing or repairing vehicles on streets or sidewalks.** It shall be unlawful to wash vehicles on the streets or sidewalks, or to repair any vehicle on any street or sidewalk except in cases of emergency. (1995 Code, § 16-113)

**16-114. Skateboarding on streets and sidewalks.** Skateboarding upon streets and sidewalks within the corporate limits of Dandridge, Tennessee shall be prohibited. It shall be deemed to be an activity interfering with pedestrian and vehicular traffic and shall constitute a violation of Dandridge Municipal Code § 11-603. (1995 Code, § 16-114)

**16-115. Street name regulations.** There is hereby established as the official system of street names for the Town of Dandridge as shown by the map entitled Official Street Name Map, dated August, 1987, as adopted and certified by the Town of Dandridge Planning Commission, the following regulations:

(1) The names of the streets within the corporate limits of the Town of Dandridge shall remain as shown on the aforesaid map unless officially changed by specific ordinance(s) passed subsequent to the effective date of this section.

(2) No new streets shall be accepted by the Town of Dandridge nor any improvements made on any street not shown on the aforesaid map until such street shall have been formally dedicated and accepted by the town and it is properly named.

(3) Any extensions of existing streets as shown on the aforesaid map shall continue to bear the existing name upon proper dedication and acceptance.

(4) Names for new streets properly dedicated and accepted shall not duplicate or closely approximate streets names already assigned or in existence. (1995 Code, § 16-115)

## CHAPTER 2

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

#### SECTION

- 16-201. Permit required.
- 16-202. Applications.
- 16-203. Fees.
- 16-204. Deposit or bond.
- 16-205. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-206. Restoration of streets, etc.
- 16-207. Insurance.
- 16-208. Time limits.
- 16-209. Supervision.
- 16-210. Driveway curb cuts.

**16-201. Permit required.** It shall be unlawful for any person, firm, corporation, association, or others, to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; 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 building inspector is working, and said permit shall be retroactive to the date when the work was begun. (1995 Code, § 16-201, modified)

**16-202. Applications.** Applications for such permits shall be made to the building inspector, or such person as the mayor 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

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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).

ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the building inspector within twenty-four (24) hours of its filing. (1995 Code, § 16-202, modified)

**16-203. Fees.** The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) square feet in area or tunnels not exceeding twenty-five feet (25') in length; and twenty-five cents (\$.25) for each additional square foot in the case of excavations, or lineal foot in the case of tunnels; but not to exceed one hundred dollars (\$100.00) for any permit. (1995 Code, § 16-203)

**16-204. Deposit or bond.** Any work done by a company, construction crew, or utility shall have a bond in place prior to any construction being undertaken in the street, adjacent to the street, or under the street. The bond shall be set by the public works superintendent. (1995 Code, § 16-204)

**16-205. Manner of excavating--barricades and lights--temporary sidewalks.** Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Any utility or other construction which requires a cut across a public street shall be required to bore under the street unless the contractors can prove that said boring would be an impossibility or would cause a safety or health hazard. 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. (1995 Code, § 16-205)

**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 the Town of Dandridge shall restore said 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 building inspector 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. (1995 Code, § 16-206, modified)

**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 building inspector in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than one hundred thousand dollars (\$100,000.00) for each person and three hundred thousand dollars (\$300,000.00) for each accident, and for property damages not less than twenty-five thousand dollars (\$25,000.00) for any one (1) accident, and a seventy-five thousand dollar (\$75,000.00) aggregate. (1995 Code, § 16-207, modified)

**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 building inspector. (1995 Code, § 16-208, modified)

**16-209. Supervision.** The building inspector 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. (1995 Code, § 16-209, modified)

**16-210. Driveway curb cuts.** No one shall cut, build, or maintain a driveway across a curb or sidewalk without first obtaining a permit from the building inspector. Such a permit will not be issued when the contemplated driveway is to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic or impede the health, safety and welfare of the street or right-of-way. All driveways shall require a tile/culvert installed at the connection between the street and highway, said tile/culvert to be at least fifteen inches (15") in diameter. When two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten feet (10') in width at its outer or street edge shall be provided. Driveway aprons shall not

extend out into the street. There shall be no fee for obtaining a driveway cut or excavation permit. (1995 Code, § 16-210, modified)



## CHAPTER 3

### SPECIFICATIONS FOR STREETS, ETC., OF NEW SUBDIVISIONS

#### SECTION

- 16-301. Purpose.
- 16-302. Acceptance of streets and public grounds.
- 16-303. Extension of improvements.
- 16-304. Street rights-of-way.
- 16-305. Corners.
- 16-306. Grading.
- 16-307. Storm drainage.
- 16-308. Roadway surfacing.
- 16-309. Ownership of drainage sewers.
- 16-310. Application to approved but undeveloped subdivisions.
- 16-311. Limitation of expenditures.

**16-301. Purpose.** The subdivision of land and the extensions and improvements to streets and utilities are important to the public interest in that the maintenance of public services becomes a public responsibility and the correction of defects is costly and difficult. It is therefore to the interest of the public, the developer, and the future owners that improvements be conceived, designed, and developed in accordance with sound rules and proper minimum standards. (1995 Code, § 16-301)

**16-302. Acceptance of streets and public grounds.** The Town of Dandridge shall not accept the dedication of streets, parks, or other public open space until a plat of the subdivision of land shall have been submitted to and approved in writing by the board of mayor and aldermen. (1995 Code, § 16-302)

**16-303. Extension of improvements.** The Town of Dandridge or any public authority shall not accept, layout, open, improve, grade, pave, or light any street, and no building shall be erected on any lot with access from any street that does not correspond in its location and lines with a street shown on a subdivision plat approved by the board of mayor and aldermen unless such street shall have been accepted or opened or shall have otherwise received the legal status of a public street prior to January 16, 1962. (1995 Code, § 16-303)

**16-304. Street rights-of-way.** The location and width of all streets and roads shall conform to the official major street plan of the town or if not shown on such a plan, shall be not less than the minimum width of right-of-way for various street types as follows:

- (1) Collector streets—fifty feet (50'). Collector streets are those which carry traffic from minor streets to the major street 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.

(2) Minor residential streets—forty feet (40'). Minor streets are those which are used primarily for access to the abutting residential properties and designed to discourage their use by through traffic.

(3) 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.

(4) Dead-end streets (cul-de-sac)—forty feet (40'). Cul-de-sacs are permanent dead-end streets or courts designed so that they cannot be extended in the future.

(5) Alleys—twenty feet (20'). 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 board of mayor and aldermen may modify the above requirements. Streets through proposed business areas shall be increased ten feet (10') on each side if needed to provide parking without interference to normal passing traffic.

New streets shall extend existing streets or roads at the same or greater width, but in no case shall the resulting right-of-way be less than the minimum width of the street to be extended, measured from lot line to lot line. (1995 Code, § 16-304)

**16-305. Corners.** All lot corners shall be marked with iron pipe not less than three-fourths inches (3/4") in diameter and twenty-four inches (24") long and driven so as to be flush with the finished grade. The developer shall provide, set, and install and shall bear the cost of providing, setting, and installing all monuments required by this section. (1995 Code, § 16-305)

**16-306. Grading.** All streets, roads, and alleys shall be graded to not less than three-fourths (3/4) of their full width. Due to special topographical conditions, deviation to the above will be allowed only with special approval of the board of mayor and aldermen.

(1) Preparation. Before grading is started the entire right-of-way area shall be first cleared of all stumps, roots, brush, and other objectionable materials and all trees not intended for preservation.

(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 the subgrade.

(3) Fill. All suitable material from roadway cuts may be used in 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 twelve inches (12") loose and properly compacted. The filling of utility trenches and other places not accessible to a roller shall be mechanically tamped, but where water is used to assist compaction, the water content shall not exceed the optimum of moisture.

(4) **Drainage swales.** The valley line of drainage swales shall be within the right-of-way and no more than two feet (2') from the edge thereof.

The developer shall do and bear all the costs of the grading and related work required by this section. (1995 Code, § 16-306)

**16-307. Storm drainage.** An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water.

In order to provide for extremely heavy surface run-off, casements may be required to handle drainage properly and shall be shown on a subdivision plat approved by the board of mayor and aldermen.

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 twelve inches (12"). 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 the 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. Developer shall do and bear all costs required of this section. (1995 Code, § 16-307)

**16-308. Roadway surfacing.** After preparation of the subgrade, the road-bed shall be surfaced by the developer at his cost and expense, with crusher run limestone from one inch (1") down and including dust. Spreading of the stone shall be done uniformly over the area to be covered by means of appropriate spreading devices and shall not be dumped in piles. After spreading, the stone shall be rolled until thoroughly compacted to a compacted thickness of not less than six inches (6"). Developer shall do and bear all cost related to this section. Minimum pavement widths shall be twenty-four feet (24') unless special permission is granted by the board of mayor and aldermen for lesser width. (1995 Code, § 16-308)

**16-309. Ownership of drainage sewers.** Ownership of all storm drainage sewer lines lying within the boundaries of any street shown on the plat of any such subdivision, or lying partly within the boundaries of any such street and partly within the boundaries of any lot or lots in such subdivision, shall be

and become the property of the Town of Dandridge, wherever the dedication of any such street or streets shall in any manner be accepted by the Town of Dandridge or whenever any such storm drainage sewer is connected with the Town of Dandridge's storm drainage or sewer system, and is ready for use and operation, whichever first occurs; and it shall be a condition for the approval of any plat of any subdivision by the board of mayor and aldermen. Developer shall consent to the ownership of such sewer lines to be vested in the Town of Dandridge as herein provided for; and, whenever a developer has submitted a plat of a proposed subdivision to the board of mayor and aldermen for approval, or whenever such developer shall apply for approval of such plat, it shall be conclusively presumed that such developer irrevocably consented that such ownership shall be vested in the Town of Dandridge in accordance with the provisions of this section. (1995 Code, § 16-309)

**16-310. Application to approved but undeveloped subdivisions.**

This chapter and the provisions thereof shall apply to all approved but undeveloped subdivisions and to all undeveloped portions of such subdivisions. No previously approved subdivision, and no portion of any such subdivision, shall be considered to be undeveloped within the meaning and terms of this section where, at the effective date hereof, the streets of such subdivision or such portion thereof have already been laid off, graded, and rocked, and where water lines or mains to serve the lots abutting on such streets have already been laid and installed in such streets. (1995 Code, § 16-310)

**16-311. Limitation of expenditures.** Notwithstanding anything to the contrary that may be expressly hereinbefore provided or that may be implied from anything hereinbefore contained, no subdivision plat shall be approved by the board of mayor and aldermen, and the Town of Dandridge shall not be obligated for the expenditure of any funds whatsoever under and pursuant to the terms of this chapter in excess of one thousand dollars (\$1,000.00) as to any particular subdivision, (1) unless and until the estimated amount of expenditures required to be made by the Town of Dandridge in connection with such subdivision, under and pursuant to this chapter shall have been first reported to the board of mayor and aldermen, and (2) unless and until the board of mayor and aldermen shall by majority vote have approved such expenditures. (1995 Code, § 16-311)