

TITLE 16

STREETS AND SIDEWALKS, ETC.¹

CHAPTER

1. MISCELLANEOUS.
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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. Athletic and/or recreational equipment in public right-of-way.
- 16-114. Skateboards etc. on public property.

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. (1985 Code, § 12-201)

16-102. Trees projecting over streets, etc., regulated. It shall be unlawful for any property owner or occupant to allow any limbs of trees on his property to project over any street or alley at a height of less than fourteen (14) feet or over any sidewalk at a height of less than eight (8) feet. (1985 Code, § 12-202)

¹Municipal 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. (1985 Code, § 12-203)

16-104. Projecting signs and awnings, etc., restricted. Signs, awnings, or other structures which project over any street or other public way shall be erected subject to the requirements of the building code.¹ (1985 Code, § 12-204)

16-105. Banners and signs across streets and alleys restricted. It shall be unlawful for any person to place or have placed any banner or sign across or above any public street or alley except when expressly authorized by the board of mayor and aldermen after a finding that no hazard will be created by such banner or sign. (1985 Code, § 12-205)

16-106. Gates or doors opening over streets, alleys, or sidewalks prohibited. It shall be unlawful for any person owning or occupying property to allow any gate or door to swing open upon or over any street, alley, or sidewalk except when required by law. (1985 Code, § 12-206)

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. (1985 Code, § 12-207)

16-108. Obstruction of drainage ditches. It shall be unlawful for any person to permit or cause the obstruction of any drainage ditch in any public right-of-way. (1985 Code, § 12-208)

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. (1985 Code, § 12-209)

16-110. Parades 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

¹Municipal code reference
Building code: title 12, chapter 1.

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. (1985 Code, § 12-210)

16-111. Animals and vehicles on sidewalks. It shall be unlawful for any person to ride, lead, or tie any animal, or ride, push, pull, or place any vehicle across or upon any sidewalk in such manner as unreasonably interferes with or inconveniences pedestrians using the sidewalk. It shall also be unlawful for any person knowingly to allow any minor under his control to violate this section. (1985 Code, § 12-211)

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. (1985 Code, § 12-212)

16-113. Athletic and/or recreational equipment in public right-of-way.
(1) No athletic, gaming or recreational equipment shall be placed, erected or maintained on or alongside the right of way of any public street within the municipal limits of the Town of Dover, Tennessee so as to allow a person of persons to be within five (5) feet of said street or within the said street while using or participating with such equipment. The placement of any athletic or recreational equipment within in a public right of way or the presence of persons within a public street using or enjoying said equipment shall be a violation of this section.

(2) Athletic and/or recreational equipment shall be defined but not limited to: basketballs or basketball goals, soccer or soccer goals, picnic equipment, including tables and grills, football markings and goal post, baseball marking backstops including bases and any other equipment of an athletic or recreational nature.

(3) A first violation of this section shall result in a warning to those found in violation of the terms of this section with instructions to remove said equipment from the are which has caused the violation.

(4) After a first violation and the issuance of a warning, any subsequent violation within a twelve (12) month period from the date of the first violation shall be punishable by a fifty (\$50.00) dollar fine. (as added by Ord. #316-06, June 2006)

16-114. Skateboards etc. on public property. (1) It shall be unlawful for any person to use roller skates, coasters, skateboards or any similar vehicle or toy or article on wheels or a runner on any public street, roadway, alley,

sidewalk or other public building or public place, except in such areas as may be specifically designated for such purposes by the town.

(2) It shall also be unlawful for any person to use roller skates, coasters, skateboards or any similar vehicle or toy article on wheels or a runner on any area that is posted prohibiting such use or where permission for such use has not been given.

(3) It shall also be unlawful for any person to allow any minor under his or her control to violate any part of this section.

(4) Any person found to be in violation of this section shall be subject to a fine of no more than fifty dollars (\$50.00), for each offense. (as added by Ord. #324-06, Jan. 2007)

CHAPTER 2

EXCAVATIONS¹

SECTION

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

16-201. Permit required. It shall be unlawful for any person, firm, corporation, association, or others, including utility districts to make any excavation in any street, alley, or public place, or to tunnel under any street, alley, or public place without having first obtained a permit as herein required, and without complying with the provisions of this chapter; and it shall also be unlawful to violate, or vary from, the terms of any such permit; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the town recorder is open for business, and the permit shall be retroactive to the date when the work was begun. (1985 Code, § 12-101)

16-202. Applications. Applications for such permits shall be made to the town recorder, or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating

¹State 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).

to the work to be done. Such application shall be rejected or approved by the town recorder within twenty-four (24) hours of its filing.
(1985 Code, § 12-102)

16-203. Fee. The fee for such permits shall be two dollars (\$2.00) for excavations which do not exceed twenty-five (25) feet in area or tunnels not exceeding twenty-five (25) feet in length; and twenty-five cents (\$0.25) 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. (1985 Code, § 12-103)

16-204. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the town recorder a cash deposit. The deposit shall be in the sum of twenty-five (\$25.00) if no pavement is involved or seventy-five dollars (\$75.00) if the excavation is in a paved area and shall insure the proper restoration of the ground and, laying of the pavement, if any. Where the amount of the deposit is clearly inadequate to cover the cost of restoration, the town recorder may increase the amount of the deposit to an amount considered by him to be adequate to cover the cost. From this deposit shall be deducted the expense to the town of relaying the surface of the ground or pavement, and of making the refill if this is done by the town or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the town recorder a surety bond in such form and amount as the town recorder shall deem adequate to cover the costs to the town if the applicant fails to make proper restoration.
(1985 Code, § 12-104)

16-205. Safety restrictions on excavations. Any person, firm, corporation, association, or others making any excavation or tunnel shall do so according to the terms and conditions of the application and permit authorizing the work to be done. Sufficient and proper barricades and lights shall be maintained to protect persons and property from injury by or because of the excavation being made. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed and provided which shall be safe for travel and convenient for users. (1985 Code, § 12-105)

16-206. Restoration of streets, etc. Any person, firm, corporation, association, or others making any excavation or tunnel in or under any street, alley, or public place in this town shall restore the street, alley, or public place to its original condition except for the surfacing, which shall be done by the town but shall be paid for promptly upon completion by such person, firm, corporation, association, or others for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the

town recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the town will do the work and charge the expense of doing the same to such person, firm, corporation, association, or others. If within the specified time the conditions of the above notice have not been complied with, the work shall be done by the town, an accurate account of the expense involved shall be kept, and the total cost shall be charged to the person, firm, corporation, association, or others who made the excavation or tunnel. (1985 Code, § 12-106)

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 town recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$100,000 for each person and \$300,000 for each accident, and for property damages not less than \$25,000 for any one (1) accident, and a \$75,000 aggregate. (1985 Code, § 12-107)

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 town recorder. (1985 Code, § 12-108)

16-209. Supervision. The person designated by the board of mayor and aldermen shall from time to time inspect all excavations and tunnels being made in or under any public street, alley, or other public place in the town and see to the enforcement of the provisions of this chapter. Notice shall be given to him at least ten (10) hours before the work of refilling any such excavation or tunnel commences. (1985 Code, § 12-109)

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 recorder. Such a permit will not be issued when the contemplated driveway is

to be so located or constructed as to create an unreasonable hazard to pedestrian and/or vehicular traffic. No driveway shall exceed thirty-five (35) feet in width at its outer or street edge and when two (2) or more adjoining driveways are provided for the same property a safety island of not less than ten (10) feet in width at its outer or street edge shall be provided. Driveway aprons shall not extend out into the street. (1985 Code, § 12-110)

CHAPTER 3

ROADWAY CONSTRUCTION

SECTION

16-301. Procedure.

16-302. General requirements and minimum standards of design.

16-303. Minimum standards for construction of new roads or streets.

16-301. Procedure. The procedure for proposed roadway construction shall consist of 3 separate steps. The initial step is the preparation and submission to the building official of a Preliminary Sketch Plat of the roadway route. The sketch should include the following information for review by the building official prior to presenting a recommendation to the planning commission.

(1) Preliminary sketch plat.

(a) The name(s) and address(es) of the owner or owners, and the name of the designer of the plat.

(b) Date, approximate north point and graphic scale.

(c) The location of existing and platted property lines, existing streets, buildings, water courses, railroads, sewers, bridges, culverts, drain pipes, water mains, and any public utility easements or lines, the present zoning classification, if any, on the land to be subdivided and on the adjoining land; and the names of adjoining property owners or subdivisions.

(d) Plans of proposed utility layouts (sewers, water, gas and electricity) showing feasible connections to the existing or any proposed utility systems. When such connections are not practicable, any proposed individual water supply and/or sewage disposal system must be approved by the town or county health department.

(e) The proposed street names, and the locations and dimensions of proposed streets, alleys, easements, parks, and other open spaces, reservations, lot lines, building setback lines and utilities.

(2) Presentation to planning commission. The second step is presentation of the preliminary sketch to the planning commission including all recommendations by the building official so noted upon the plat.

(3) Copy to be placed on file. Following the approval of this preliminary sketch plat including all recommendations so noted by the planning commission, a copy of the final plat together with required certificates and documents shall be placed on file with the building official to be used for verification and on-sight inspection during construction.

(4) Plat of roadway or easement. No plat of a deeded roadway or easement shall be filed or recorded by the county register without having first

been inspected by the building official and approved by the planning commission. (Ord. # 196-90, June 1990)

16-302. General requirements and minimum standards of design.

(1) Conformity to the thoroughfare plan. The location and width of all streets and roads shall conform to the official thoroughfare plan.

(2) Relation of adjoining street system. The proposed street system shall extend existing streets or projects. They shall be extended at a width no less than required minimum width.

(3) Streets widths. The minimum width of right-of-way, measured from lot line to lot line, shall be as shown on the thoroughfare plan, or if not shown on such plan, shall be not less than as follows:

- (a) Arterial streets and highways 80 to 150 feet as
may be required
Arterial streets and highways are those to be used primarily for fast or heavy traffic and will be located on the thoroughfare plan.
- (b) Collector Streets 60 feet
Collector streets are those which carry traffic from minor streets to the major system of arterial streets and highways.
- (c) Major residential streets 50 feet
Major residential streets are principal entrance streets of a residential development and streets for major circulation within such development.
- (d) Minor residential streets 50 feet
Minor streets are those which are used primarily for access to the abutting residential properties and designed to discourage their use by through traffic.
- (e) 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.
- (f) 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.
- (g) 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 to traffic.

(4) Additional width on existing streets. Subdivisions or developments that adjoin existing streets shall dedicate additional right-of-way to meet the above minimum street width requirements.

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

(b) When the subdivision or development is located on only one side of an existing street, one-half (1/2) of the required right-of-way, measured from the center line of the existing roadway, shall be provided.

(5) 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.

(6) 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.

(7) Intersections. Street intersections shall be as nearly at right angles as is possible.

(8) Dead-end streets. (a) 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.

(b) Where, in the opinion of the building official, 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.

(9) Private streets and reserve strips. There shall be no private streets 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.

(10) 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, avenues, boulevard, drive, way, place or court. Through its index list of street names on file the planning commission can assist the developer in avoiding duplication.

(11) 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 developer produces evidence satisfactory to the planning commission of the need for alleys. (Ord. # 196-90, June 1990)

16-303. Minimum standards for construction of new roads or streets.

(1) Monuments. (a) Concrete monuments four (4) inches in diameter or four (4) inches square, three (3) feet long, with a flat top, shall be set at all street corners, at all points where the street lines intersect the exterior boundaries of the subdivision, and at angle points and points of curve in each street. The top of the monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade.

(b) All other lot corners shall be marked with iron pipe not less than three-fourths (3/4) inches in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade.

(2) Grading. All streets, roads and alleys shall be graded to their full right-of-way by the subdividers so that pavements and swales can be constructed to the required cross sections. Due to special topographical conditions, deviation from the above will be allowed only with special approval of the building official. Where streets are constructed under or adjacent to existing electric transmission lines or over gas transmission lines, the nearest edge of the pavement shall be a minimum of fifteen (15) feet from any transmission line structure and all grading for the street shall be done in a manner which will not disturb the structure or result in erosion endangering the structure. In the case of electric transmission lines the clearance from the pavement to the nearest conductor shall meet the requirements of the National Electrical Safety Code.

(a) Preparation: Before grading is started the entire right-of-way area shall have removed all stumps, roots, brush and other objectionable materials including all trees not intended for preservation.

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

(c) Fill: All suitable material from roadway cuts may be used in the construction of fills, approaches, or at other places as needed. Excess materials, including organic materials, soft clays, etc., shall be removed from the development site. The fill shall be spread in layers not to exceed

twelve (12) inches loose and 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.

(3) 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.

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 sixteen (16) inches. 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 (1) foot below the road-bed.

(4) Minimum road-bed widths.

- (a) Arterial streets and highways as may be required; not usually paved by developer.
- (b) Collector streets. 36 feet
- (c) Major residential streets.. . . . 36 feet
- (d) Minor residential streets. 30 feet
- (e) Marginal access streets.. . . . 30 feet
- (f) Dead-end streets. (cul-de-sac) 30 feet

(5) Pavement base. After preparation of the subgrade, the road-bed shall be surfaced with material required by local standards, but of no lower classification than crushed rock, stone or gravel. The size of the crushed rock or stone shall be that generally known as "crusher run stone" from two and one-half (2 1/2) inches down 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. The compacted thickness of the stone roadway shall be no less than four (4) inches.

(6) Finished road surface. A bituminous prime coat shall then be applied uniformly over the surface of the base. The prime coat shall be applied at a rate of three-tenths (3/10) gallon per square yard, using cut-back asphalt or refined tar. This shall be immediately covered with crushed stone (# 8 chips) evenly spread at a rate of not less 10 pounds per square yard. (Ord. # 196-90, June 1990)