

TITLE 16

STREETS AND SIDEWALKS, ETC¹

CHAPTER

1. MISCELLANEOUS.
2. CONSTRUCTION OR REPAIR OF SIDEWALKS, CURBS, AND GUTTERS.
3. UTILITY POLES ON STREETS AND SIDEWALKS.
4. EXCAVATIONS AND CUTS.
5. OFFICIAL STREET MAP.
6. STREET ACCEPTANCE AND CONSTRUCTION STANDARDS CODE.

CHAPTER 1

MISCELLANEOUS

SECTION

- 16-101. Superintendent.
- 16-102. Obstructions generally.
- 16-103. Outlet pipes at filling stations not to cross sidewalks.
- 16-104. Air conditioners not to drain on sidewalks.
- 16-105. Littering streets, alleys, sidewalks, etc., prohibited.
- 16-106. Duty of property owners to remove obstructions, filth, weeds, etc., from sidewalks.
- 16-107. Parading and congregating on streets and sidewalks generally.
- 16-108. Standing and congregating on streets and sidewalks so as to obstruct entrance to abutting property.
- 16-109. Gates not to open over street or sidewalk.
- 16-110. Cellar and vault doors and gratings on sidewalks not to be left open.
- 16-111. Rubbish, junk, and dismantled vehicles prohibited within 40 feet of center line of street or alley.

16-101. Superintendent. Superintendent election, terms and duties outlined in title 1, chapter 6 of this code. (1982 Code, § 12-101)

16-102. Obstructions generally. It shall be unlawful to obstruct the sidewalks, streets, or alleys of the city by placing upon or in same, boxes, barrels,

¹Municipal code reference

Related motor vehicle and traffic regulations: title 15.

machinery, agricultural implements, or any other object or objects except when receiving or forwarding goods, wares, or merchandise and then only for a reasonable time. (1982 Code, § 12-102)

16-103. Outlet pipes at filling stations not to cross sidewalks. It shall be unlawful for any person operating a garage or filling station to fill any car, truck, or other vehicle by permitting the outlet pipe from the supply tank to reach across a sidewalk. (1982 Code, § 12-103)

16-104. Air conditioners not to drain on sidewalks. It shall be unlawful for any person to install, operate, or maintain any air conditioner or like apparatus or appliance, so that the liquid drippings therefrom shall drain or fall upon any sidewalk of the city. (1982 Code, § 12-104)

16-105. Littering streets, alleys, sidewalks, etc., prohibited. It shall be unlawful for any person to litter, place, throw, track, or allow to fall on any street, alley, sidewalk, park, or recreational area any refuse, glass, cans, 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. (1982 Code, § 12-105)

16-106. Duty of property owners to remove obstructions, filth, weeds, etc., from sidewalks. It shall be unlawful for any person to permit the sidewalks or gutters in front of his place of business or residence to remain obstructed or in a filthy condition, or to fail to clean same within three (3) hours after having received written notice from the police or from any member of the board of mayor and aldermen, or to permit the sidewalks in front of his place of business or residence to grow up with weeds, grass, or other vegetation. It shall be the duty of all persons, upon receiving notice as above provided, to clean and remove from such sidewalks all weeds, grass, or other vegetation growing thereon immediately. (1982 Code, § 12-106)

16-107. Parading and congregating on streets and sidewalks generally.

(1) Except as otherwise provided in this section, it shall be unlawful for any person to move, congregate, or parade in or upon the streets, alleys, or sidewalks of the city carrying banners, placards, signs, and the like, or otherwise to create a disturbance thereon, or to engage in speechmaking, preaching, singing, or otherwise making loud or unusual noises for the purpose of attracting the attention of other people in the normal pursuit of their daily living.

(2) It shall be unlawful for any person to conduct or participate in any parade, pedestrian or vehicular, upon the streets or sidewalks of the city without a special permit so to do issued in accord with this section.

(3) The board of mayor and aldermen may, in its discretion, grant special permission for parades or other activities mentioned in this section, when and if it appears that such parades or activities will not be distracting to the extent of unduly

disturbing the usual and customary use of the streets and sidewalks and people moving or conducting business thereon; provided, however, that before such permission is granted, or a special permit issued, a written application therefor shall be filed in the office of the mayor by the responsible head of the group or organization that seeks to conduct or participate in such parade or activity; and provided further, that the board of mayor and aldermen may require such regulations and limitations if it may reasonably deem proper. (1982 Code, § 12-107)

16-108. Standing and congregating on streets and sidewalks so as to obstruct entrance to abutting property. It shall be unlawful for any person to position himself or congregate on the streets or sidewalks of the city so as to block or impede entrance to any public or private property, store, place of business, or public or private office or building. (1982 Code, § 12-108)

16-109. Gates not to open over street or sidewalk. It shall be unlawful for the owner of any real estate abutting on any street, alley, or square, or the agent of such owner, to erect or maintain, or cause to be erected or maintained, any gate which opens over the sidewalk or pavement of any street, alley, sidewalk, or square. (1982 Code, § 12-109)

16-110. Cellar and vault doors and gratings on sidewalks not to be left open. It shall be unlawful for any person to leave open or cause to be left open any cellar or vault door or grating on any sidewalk. (1982 Code, § 12-110)

16-111. Rubbish, junk, and dismantled vehicles prohibited within 40 feet of center line of street or alley. (1) It shall be unlawful for any person to store, stack, pile, or otherwise place papers, bottles, rags, iron, rubbish, discarded or dismantled machinery, appliances, vehicles or parts thereof, or any other object within forty (40) feet of the center line of any street, highway, or alley of the City of McMinnville that would create an eyesore, health, fire, traffic, or safety hazard, or otherwise in any way be detrimental to the community.

(2) Any person who violates any provisions of this section shall be guilty of a misdemeanor and shall be subject to a fine in accordance with the general penalty clause for this code. In addition, the license of any junk dealer shall become void upon conviction for a violation of this section, and no junk dealer's license shall be issued to such convicted person.

(3) The city recorder shall issue a notice to a person who may be in violation of subsection (1) above. This notice shall contain a brief description of the violation and the location of the premises upon which the violation exists. This notice shall be delivered by the chief of police or by some officer designated by said chief of police or by U.S. mail and shall inform the recipient that at the end of 15 days from the date of notice that a citation may issue for violation of subsection (1). (1982 Code, § 12-111)

CHAPTER 2

CONSTRUCTION OR REPAIR OF SIDEWALKS, CURBS, AND GUTTERS¹

SECTION

- 16-201. Duties of chairman of street and sanitation committee.
- 16-202. Approval required.
- 16-203. Notice to property owners to construct.
- 16-204. Time limit for construction by property owners.
- 16-205. Failure of property owners to construct.
- 16-206. Duty of property owners to repair.
- 16-207. Failure of property owners to repair.
- 16-208. Material.
- 16-209. Grades.
- 16-210. Width of sidewalks.
- 16-211. Sidewalk slope.
- 16-212. Sidewalk expansion joints.
- 16-213. Curbs and gutters to parallel street lines.
- 16-214. Width, slope, etc., of gutters.
- 16-215. Height and width of curbing; curbing to parallel gutters.
- 16-216. Contraction joints for curbs and gutters; curbs and gutters to conform to existing work.
- 16-217. Finishing of top surfacing.

16-201. Duties of chairman of street and sanitation committee. The chairman of the street and sanitation committee shall see that all sidewalks, curbs, and gutters are constructed and repaired by property owners in accord with this chapter. If repairs are made or new sidewalks, curbs, or gutters are constructed by and under the order of the board of mayor and aldermen, it shall be the duty of the chairman of the street and sanitation committee to have the work done as ordered by the board. (1982 Code, § 12-201)

¹Charter reference

See Acts of 1901, ch. 486, which is set out in the related private acts following the charter.

16-202. Approval required. No new sidewalks, curbs, or gutters shall be built in the city, or old ones repaired or re-laid, without the approval of the chairman of the street and sanitation committee. (1982 Code, § 12-202)

16-203. Notice to property owners to construct. At any meeting of the board of mayor and aldermen the board may designate along what streets, alleys, or sections of streets or alleys of public square that sidewalks, curbing, and gutters shall be built, extended, or connected by the adjacent owners of real estate. The board shall serve notice upon each such property owner, which shall be in writing and issued by the recorder and served on the owner by the chief of police, directing the property owner to construct or have constructed the sidewalks, curbs, or gutters adjacent to the real estate owned by him and according to the order of the board, to be constructed in accordance with the specifications set out in this chapter. (1982 Code, § 12-203)

16-204. Time limit for construction by property owners. The construction required by the notice referred to in § 16-203 shall be completed within thirty (30) days from the date of service of such notice. (1982 Code, § 12-204)

16-205. Failure of property owners to construct. If a property owner served with notice under this chapter fails or refuses to construct the sidewalks, curbs, and gutters in accord with such notice and within thirty (30) days after service of such notice, the board of mayor and aldermen shall have the power and authority to build or have built such sidewalks, curbs, and gutters and pay for the cost of same out of the common funds of the city. The expense of such construction shall be a lien and liability against the abutting property where such construction is done and, in addition thereto, such expense shall be a personal liability against the owner of such abutting property. The city shall have and enforce a lien upon such property which shall be for the amount of the expense incurred in the construction of the sidewalks, curbs, and gutters, and shall be enforced as provided by the laws of the state. (1982 Code, § 12-205)

16-206. Duty of property owners to repair. All persons owning real estate by or along which sidewalks, curbing and gutters have been built shall keep such sidewalks, curbing, and gutters in a state of good repair and, when it becomes necessary to repair or relay such sidewalks, curbing, or gutters, the repairing or relaying shall be done with a good quality of Portland cement as specified in this chapter, except that, if the repair required is less than twenty-five (25) per cent of the whole amount of the sidewalks, curbing, or gutters abutting any one piece of property, such repairs may be made of material of the same kind of which the sidewalks, curbing, or gutters were originally constructed. (1982 Code, § 12-206)

16-207. Failure of property owners to repair. If the owner of property abutting on any sidewalk, curb, or gutter needing repair fails to repair the same in

accord with this chapter, the board of mayor and aldermen may designate the sidewalks, curbs, or gutters to be repaired, and the kind of repairs which may be done, at any board meeting, notify, in writing, the owner of such abutting property that such repairs must be made within ten (10) days from service of such notice, which notice shall be signed by the recorder and served on the owner or his agent or attorney, by the police. In the event the repairs are not made within ten (10) days as required in such notice, the repairs may be made by the board, and the cost of the repairs so made shall become a personal liability against the owner and lien upon the property or lot, which shall be enforced as prescribed in § 16-205. (1982 Code, § 12-207)

16-208. Material. All sidewalks, curbs, and gutters shall be constructed of Portland cement compound of a six (6) bag mix per cubic yard. (1982 Code, § 12-208)

16-209. Grades. (1) Upon all streets which have been paved with a permanent or semipermanent surfacing or which have a permanent grade line established and adopted and on file at the office of the recorder, all sidewalks, curbing, and gutters shall be built or constructed on a grade parallel to such grade line or permanent surfacing line and on the grades and elevations shown on the street plans for the side of the street in question. If no such plans are available, gutters may be built lower than the street and parallel to it.

(2) Sidewalks, curbing, and gutters shall be constructed or built on smooth and regular grades, with no sharp changes of grades or lines and no steps. (1982 Code, § 12-209)

16-210. Width of sidewalks. (1) All new sidewalks constructed adjacent to any public street within the corporate limits or the alleys or public square therein shall be not less than ten (10) feet wide on Main Street from Chancery Street to the public square and around the same including, also, the east and west sides of the courthouse square and thence east on Main Street to Sparta Street.

(2) Upon all streets not named in subsection (1), new sidewalks shall be not less than five (5) feet wide, except as on such streets as the board of mayor and aldermen shall especially permit, by resolution, to be constructed with less width. (1982 Code, § 12-210)

16-211. Sidewalk slope. Sidewalks shall slope toward the curbing not less than one-fourth ($\frac{1}{4}$) inch and not more than one-half ($\frac{1}{2}$) inch for each foot of width and the side next to the curbing shall be higher than the same, not less than one-fourth ($\frac{1}{4}$) inch nor over one-half ($\frac{1}{2}$) inch for each foot it may be distant from such curbing or where the curbing would be if constructed. At driveways and entrances, the sidewalk may slope to the gutter. (1982 Code, § 12-211)

16-212. Sidewalk expansion joints. Sidewalks shall be constructed with expansion joints which shall not be over twelve (12) feet apart. (1982 Code, § 12-212)

16-213. Curbs and gutters to parallel street lines. Curbing and gutters shall be built on lines parallel to the lines established for the streets in question. (1982 Code, § 12-213)

16-214. Width, slope, etc., of gutters. Gutters shall be not less than eighteen (18) inches wide and shall have a slope toward the curbing of not less than one (1) inch in twelve (12) inches.

The total thickness of gutters shall be at least six (6) inches and constructed of the same materials and in the same proportions as required for sidewalks and shall preferably be built integral with gutters. (1982 Code, § 12-214)

16-215. Height and width of curbing; curbing to parallel gutters. Curbing shall be six (6) inches in height and not less than six (6) inches in width, unless the board of mayor and aldermen shall, by resolution, permit a higher curbing. The curbing shall be built parallel with the gutters at a uniform distance above them. (1982 Code, § 12-215)

16-216. Contraction joints for curbs and gutters; curbs and gutters to conform to existing work. Curbing and gutters shall be built with contraction joints, preferably six (6) and not over twelve (12) feet apart, and shall conform in style and form to curbing and gutters previously constructed in the same block provided the same does not conflict with this chapter. (1982 Code, § 12-216)

16-217. Finishing of top surfacing. The top surfacing of sidewalks, curbing, and gutters shall be neatly struck off and then finished with a trowel or wood float and then finally finished with a brush to prevent an excessively slippery surface. (1982 Code, § 12-217)

CHAPTER 3

UTILITY POLES ON STREETS AND SIDEWALKS

SECTION

- 16-301. Compliance with chapter.
- 16-302. General requirements.
- 16-303. Authority to install on outer edge of sidewalk.
- 16-304. Location in street between sidewalks prohibited.
- 16-305. Stump, wires, etc., to be removed when pole cut down.
- 16-306. Removal of poles on notice from board.
- 16-307. City to be held free from damages.
- 16-308. Violations.

16-301. Compliance with chapter. All persons who use the streets, alleys, or public square of the city in furnishing the public or citizens of the city electric lights, power, telegraph, or telephone service shall comply with the provisions of this chapter. (1982 Code, § 12-301)

16-302. General requirements. All poles located in the streets, alleys, or public square of the city and used by persons supplying electric light, power, telephone, or telegraph service shall be sightly and in good form and of sufficient height to carry all wires so that they will not obstruct the ordinary use of the public ways of the city and so located that they will not endanger adjacent property nor obstruct the pavements, streets, alleys, and public square in their ordinary use by the public, or require any cutting, topping, or mutilation of shade trees or other trees, except for necessity. (1982 Code, § 12-302)

16-303. Authority to install on outer edge of sidewalk. All persons who furnish telegraph, telephone, and electric light service within the corporate limits are hereby given permission to set poles for wires at the outer edge of the sidewalks on the streets; provided, however, before any such poles shall be set or reset, permission shall be first had and obtained from the board of mayor and aldermen as to where such pole may be set or reset and the kind and size of the pole to be used, in order that no unsightly and unusually large and rough poles may be used to the injury of the property of the city or its citizens. (1982 Code, § 12-303)

16-304. Location in street between sidewalks prohibited. It shall be unlawful for any person to set, place, or maintain any pole for wires, cables, or guy wires in any street of the city at any point between the sidewalks on each side of such street. (1982 Code, § 12-304)

16-305. Stump, wires, etc., to be removed when pole cut down. It shall be unlawful for any person to cut down any utility pole located in accord with this

chapter and leave the stump in the ground or leave the pole, cross arms, wires, or insulators in the street or gutters of the street. (1982 Code, § 12-305)

16-306. Removal of poles on notice from board. If at any time it appears to the board of mayor and aldermen that any pole or wires are dangerous or in a position or place where they obstruct the public ways or use of public ways from private property, the owners of the pole or wires must remove the same within five (5) days after being given written notice so to do.

If any person maintaining any poles under this chapter ceases to furnish the service for which such poles are used for a period of three (3) months, he shall remove such poles upon notice so to do from the board of mayor and aldermen. (1982 Code, § 12-306)

16-307. City to be held free from damages. Any person owning or maintaining any pole located in accord with § 16-303 shall hold the city free from damages from erecting or maintaining such poles and wires. (1982 Code, § 12-307)

16-308. Violations. Any person violating any provision of this chapter shall, upon conviction, be fined in accordance with the general penalty clause for this code, for each offense, and the setting or resetting of each pole in violation of this chapter shall constitute a separate offense. (1982 Code, § 12-308)

CHAPTER 4

EXCAVATIONS AND CUTS¹

SECTION

- 16-401. Permit required.
- 16-402. Applications.
- 16-403. Fees.
- 16-404. Deposit or bond.
- 16-405. Manner of excavating--barricades and lights--temporary sidewalks.
- 16-406. Restoration of streets, etc.
- 16-407. Insurance.
- 16-408. Time limits.
- 16-409. Supervision.
- 16-410. Driveway curb cuts.

16-401. 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

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).

done immediately and a permit cannot reasonably and practicably be obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the recorder is open for business and said permit shall be retroactive to the date when the work was begun. (1982 Code, § 12-401)

16-402. Applications. Applications for such permits shall be made to the recorder or such person as he may designate to receive such applications, and shall state thereon the location of the intended excavation or tunnel, the size thereof, the purpose thereof, the person, firm, corporation, association, or others doing the actual excavating, the name of the person, firm, corporation, association, or others for whom the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done. Such application shall be rejected or approved by the recorder within twenty-four (24) hours of its filing. (1982 Code, § 12-402)

16-403. 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 (25) feet 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. (1982 Code, § 12-403)

16-404. Deposit or bond. No such permit shall be issued unless and until the applicant therefor has deposited with the recorder a cash deposit. The deposit shall be in the sum of twenty-five dollars (\$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 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 city of relaying the surface of the ground or pavement, and of making the refill if this is done by the city or at its expense. The balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

In lieu of a deposit the applicant may deposit with the recorder a surety bond in such form and amount as the recorder shall deem adequate to cover the costs to the city if the applicant fails to make proper restoration. (1982 Code, § 12-404)

16-405. 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. 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. (1982 Code, § 12-405)

16-406. 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 city shall restore said street, alley, or public place to its original condition except for the surfacing, which shall be done by the city, but shall be paid for by such person, firm, corporation, association, or others promptly upon the completion of the work for which the excavation or tunnel was made. In case of unreasonable delay in restoring the street, alley, or public place, the recorder shall give notice to the person, firm, corporation, association, or others that unless the excavation or tunnel is refilled properly within a specified reasonable period of time, the city 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 city, 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. (1982 Code, § 12-406)

16-407. Insurance. In addition to making the deposit or giving the bond hereinbefore required to insure that proper restoration is made, each person applying for an excavation permit shall file a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the recorder in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall not be less than \$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. (1982 Code, § 12-407)

16-408. 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 city if the city restores such surface pavement. It shall be unlawful to fail to comply with this time limitation unless permission for an extension of time is granted by the recorder. (1982 Code, § 12-408)

16-409. Supervision. The recorder 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 city 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. (1982 Code, § 12-409)

16-410. 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. (1982 Code, § 12-410)

CHAPTER 5

OFFICIAL STREET MAP

SECTION

- 16-501. Purpose.
- 16-502. Procedure for adoption.
- 16-503. Amendments.
- 16-504. Location of official street map.

16-501. Purpose. Those streets for which the City of McMinnville is responsible for maintenance and repair shall be depicted on an Official Street Map.¹ (as added by Ord. #1192, § I, March 1996)

16-502. Procedure for adoption. The McMinnville Regional Planning Commission and Public Works Department shall review, approve, and certify the Official Street Map prior to its adoption by the board of mayor and aldermen. (as added by Ord. #1192, § I, March 1996)

16-503. Amendments. The Official Street Map may be amended as necessary by the McMinnville Board of Mayor and Aldermen, provided that such amendments are first reviewed, approved, and certified by the McMinnville Regional Planning Commission and Public Works Department. (as added by Ord. #1192, § I, March 1996)

16-504. Location of official street map. The Official Street Map shall be located in the office of the city recorder for the City of McMinnville and said map shall be the final authority as to the current status of a street as an official street of the City of McMinnville. (as added by Ord. #1192, § I, March 1996)

¹See Ord. #1193 (March 1996) of record in the office of the recorder for an ordinance to adopt an official street map.

CHAPTER 6

STREET ACCEPTANCE AND CONSTRUCTION STANDARDS CODE

SECTION

- 16-601. Purpose, authority, and jurisdiction.
- 16-602. General procedure for street acceptance.
- 16-603. Procedure for approval of streets not shown on an approved and recorded subdivision plat.
- 16-604. Procedure for approval of streets shown on an approved and recorded subdivision plat.
- 16-605. Procedure for board of mayor and aldermen approval.
- 16-606. Street construction standards.

16-601. Purpose, authority, and jurisdiction. (1) Purpose. The purpose of this code is to define the procedures and improvements that are required before the City of McMinnville, Tennessee will accept maintenance responsibility for a proposed public street. The procedures and minimum standards are necessary in order to provide fair and equitable treatment to all persons seeking to have a street accepted by the municipality, in order to insure that all streets accepted are suitable for public use, and in order to help protect McMinnville taxpayers from excessive and unnecessary expenditures for streets and street maintenance.

(2) Authority. These street acceptance and construction standards are adopted under the authority granted by section 6-2-201 of the Tennessee Code Annotated which entrusts the establishment and general supervision of streets to the City of McMinnville Board of Mayor and Aldermen; and by section 13-4-307 of the Tennessee Code Annotated which provides that the McMinnville Board of Mayor and Aldermen shall receive the recommendation of the appropriate planning commission prior to accepting or laying out any street.

(3) Jurisdiction. This code shall govern the acceptance of all streets for city maintenance within the corporate limits of the City of McMinnville, Tennessee. (as added by Ord. #1194, § 1, March 1996)

16-602. General procedure for street acceptance. The procedure for evaluation and acceptance of a street for city maintenance involves the McMinnville Regional Planning Commission, the McMinnville Public Works Department, and the McMinnville Board of Mayor and Aldermen.

There are two primary circumstances that may lead to a request for acceptance of a street for city maintenance. First, a resident or residents of the City of McMinnville may petition for the acceptance of an existing or new private street not shown on an approved and recorded subdivision plat. Second, a developer may petition for the acceptance of a proposed new street shown on an approved and recorded subdivision plat. In both circumstances the street shall meet the

construction standards specified in section 16-606 of this Street Acceptance and Construction Standards Code. (as added by Ord. #1194, § 1, March 1996)

16-603. Procedure for approval of streets not shown on an approved and recorded subdivision plat. All existing or new private streets not shown on an approved and recorded subdivision plat proposed for acceptance for city maintenance shall first be reviewed and approved by the McMinnville Regional Planning Commission prior to being submitted to the McMinnville Board of Mayor and Aldermen for adoption.

In order to secure the review and approval by the McMinnville Regional Planning Commission a preliminary street plan/survey shall be submitted to the regional planning commission. Upon completion of the required street improvements, said street improvements shall be inspected and approved by the public works department and a final street plan/survey shall be submitted to the regional planning commission.

(1) Preliminary street plan/survey requirements. (a) The preliminary street plan/survey shall be prepared by a licensed land surveyor or registered engineer and shall provide the following information:

- (i) Date, approximate north point, and graphic scale.
- (ii) Present tax map and parcel designation according to the official records in the office of the Warren County Property Assessor.
- (iii) Location sketch map.
- (iv) Names of adjoining property owners of record.
- (v) Any portion of the street lying within a floodable area.
- (vi) Location and dimensions of all exterior property boundary lines.
- (vii) Street right-of-way.
- (viii) Approximate location of street base and surfacing widths.
- (ix) Proposed street names.
- (x) Proposed location of street name signs and traffic control signs.
- (xi) Sufficient data to determine readily and to reproduce on the ground the location, bearing, and length of every street line. This shall include the radius, central angle and tangent distance for the center line of curved streets.

(b) At least seven (7) days prior to meeting at which it is to be considered, two (2) copies of the preliminary street plan/survey shall be submitted to the City of McMinnville Public Works Department and two (2) copies shall be submitted to the regional planning commission.

(c) The official submission of the preliminary street plan/survey to the regional planning commission is considered to be the first planning commission meeting at which the plan/survey is presented for consideration.

(d) Within thirty (30) days after the official submission of the preliminary street plan/survey, the regional planning commission shall approve, approve subject to modifications or disapprove the preliminary street plan/survey. If a plan/survey is disapproved, the reasons for such disapproval shall be stated in writing. If a plan/survey is approved subject to modifications, the nature of the required modifications shall also be included.

(e) The approval of the preliminary street plan/survey by the planning commission shall not constitute approval of any final street plan/survey.

(f) The approval of a preliminary street plan/survey shall terminate after one (1) years, provided however, that an extension of time can be applied for.

(2) Street profile/street construction plan requirements. If due to drainage, slope, soil conditions or other concerns, the McMinnville Public Works Department determines that a street profile/street construction plan is necessary, said profile/construction plan shall be prepared and submitted to the public works department. The street profile/street construction plan shall be prepared by a registered engineer and shall provide information as determined necessary by the McMinnville Public Works Department.

(3) Procedure for inspection and approval by the public works department.

(a) Upon approval of the preliminary street plan/survey (and the street profile/street construction plan if determined necessary) construction of the required improvements shall be completed. The McMinnville Public Works Department shall be provided with an anticipated schedule for the clearing of the right-of-way, street grading, preparation of subgrade, installation of drainage system, installation of pavement base, and final street surfacing. Since the inspections need to be made periodically during the entire process, communication with the public works department is essential to make the process move as smoothly as possible.

(b) The McMinnville Public Works Department shall be notified at least twenty-four (24) hours in advance of the needed inspection on:

- (i) Clearing and stripping of right-of-way
- (ii) Construction of subgrade
- (iii) Installation of drainage improvements and construction of pavement base
- (iv) Construction of prime coat, binder surface, and final surface
- (v) Installation of street name and traffic control signs

(c) Upon completion of the required street improvements, the McMinnville Public Works Department shall make a final inspection. If the completed street is found to be in compliance with the standards for construction, the public works department director shall be authorized to sign the final street plan/survey.

(4) Final street plan/survey requirements. (a) The final street plan/survey shall be prepared by a licensed land surveyor or registered engineer; shall conform substantially to the approved preliminary street plan/survey; and in addition to the information required on the preliminary street plan/survey the final street plan/survey shall provide the following information:

- (i) Location of completed pavement base and surfacing widths
- (ii) Location of drainage ditches, tiles, pipes, culverts, etc.
- (iii) Approved street name
- (iv) Location of installed street name and traffic control signs
- (v) Location of buildings on adjoining properties and driveways which will enter into the street right-of-way
- (vi) Location of existing or proposed utilities located within the street right-of-way
- (vii) Location of driveway culverts, bridges or easements
- (viii) Name(s), seal(s) and address(es) of the licensed land surveyor or registered engineer responsible for the plan/survey preparation
- (ix) Appropriate certificates for approval (see section 16-603(5) of this code)

(b) Approval of the final street plan/survey shall not be given until completion and approval of the required street improvements. These improvements are to be completed in accordance with section 16-606 of this code. The required improvements must be approved by the McMinnville Public Works Department.

(c) The final street plan/survey shall be submitted at least seven (7) days prior to the meeting at which it is to be considered, with two (2) copies submitted to the office of the McMinnville Public Works Department and two (2) copies submitted to the regional planning commission.

(d) The official submission of the final street plan/survey to the regional planning commission is considered to be the first planning commission meeting at which the plan/survey is presented for consideration.

(e) Within thirty (30) days after the official submission of the final street plan/survey, the regional planning commission shall approve or disapprove the plan/survey. If the plan/survey is disapproved, the grounds for disapproval shall be stated upon the records of the regional planning commission.

(5) Certifications. In all cases the following certificates shall be present and signed on the original final street plan/survey before the City of McMinnville Board of Mayor and Aldermen can consider a street for acceptance for city maintenance:

(a) Certificate of ownership and dedication. Certification showing that applicant is the land owner and dedicates the street and right-of-way for public use.

(b) Certificate of accuracy and precision. Certification by a licensed land surveyor or registered engineer of accuracy of plan/survey.

(c) Certification of street construction. Certification signed by the McMinnville Public Works Department Director certifying that the street has been constructed to the required standards.

(d) Certification of planning commission approval. Certification signed by the secretary of the McMinnville Regional Planning Commission certifying that the plan/survey has been approved by the planning commission. This certificate shall not be signed unless the three above certifications have been signed.

(6) Warranty of street improvements. (a) The petitioner shall warranty all street improvements for a period of one (1) year from the date of acceptance by the City of McMinnville.

(b) The Warranty of Street Improvements shall consist of an escrow account, letter-of-credit, or certified check.

(c) The amount of the warranty shall be not less than twenty-five percent (25%) of the cost of the street improvements accepted nor more than \$5,000.

(d) The Warranty of Street Improvements shall be submitted to the City of McMinnville prior to the submittal of the final street plan/survey for final approval. (as added by Ord. #1194, § 1, March 1996)

16-604. Procedure for approval of streets shown on an approved and recorded subdivision plat. All new streets shown on an approved and recorded subdivision plat proposed for acceptance for city maintenance shall be submitted, following the completion of all street improvements to the required standards, to the board of mayor and aldermen for adoption as provided in section 16-605 of this code. (as added by Ord. #1194, § 1, March 1996)

16-605. Procedure for board of mayor and aldermen approval.

(1) Upon completion of all street improvements to the required standards and following the approval of the final street plan/survey or final subdivision plat by the McMinnville Regional Planning Commission, the plan/survey or subdivision plat shall be submitted to the McMinnville Board of Mayor and Aldermen.

(2) The board of mayor and Aldermen shall be provided with a deed to the right-of-way proposed for dedication for public use. The deed shall be submitted by the board of mayor and aldermen to the McMinnville City Attorney for his review and approval.

(3) Upon approval by the city attorney of the deed to the right-of-way proposed for dedication for public use, the board of mayor and aldermen shall take formal action to approve the street and to authorize its addition to the Official McMinnville City Street Map.

(4) Upon approval of the board of mayor and aldermen, the applicant shall record the final street plan/survey and deed with the Warren County Register of Deeds. (as added by Ord. #1194, § 1, March 1996)

16-606. Street construction standards. All streets proposed for public dedication and acceptance by the City of McMinnville for city maintenance shall be constructed in accordance with the McMinnville Subdivision Regulations, Article III Design and Specifications, Section E, Streets-Construction Procedures and Specifications, as adopted on November 14, 1995. (as added by Ord. #1194, § 1, March 1996)