



ORDINANCE 2013 - 228

AN ORDINANCE AMMENDING TITLE 16, SECTION 16-109 OF THE TOWN OF UNICOI MUNICIPAL CODE

The intent of these regulations and standards is to maximize the effectiveness of driveway construction, means of ingress and egress and protect existing public property within the Town of Unicoi.

WHEREAS, it is essential that the Town of Unicoi establishes certain minimum standards to protect the public roads within the corporate limits of the Town of Unicoi and for construction of driveways by private contractors or individuals attaching driveways to those public roads; and,

WHEREAS, the Board of Mayor and Aldermen of the Town of Unicoi, Tennessee desire to amend the municipal code to protect the public roads within the corporate limits of the Town of Unicoi, maximize the effectiveness of driveway construction and means of ingress and egress; and,

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Unicoi, Tennessee that all ten (10) paragraphs of Section 16-109 are to be replaced with the following nine (9) paragraphs:

Driveway Cuts and Construction

- (1) Properties having fifty feet (50') or less of public road frontage are permitted only one (1) drive entrance. Properties with more than fifty (50) feet of public road frontage are allowed two (2) or more entrances upon review and approval for the Unicoi Planning Commission and the Board of Mayor and Aldermen unless a corner lot is more than fifty (50') total frontage on both roads.
- (2) All driveways must be connected at a right angle with the town public road.

- (3) Driveways shall be designed with as long a site distance as possible. Where possible, the drive shall not be located on a curve or hill.
- (4) Driveways shall not be located nearer than twelve and one half feet (12' - 6") from the interior property line representing any road along the side of the property, which intersects with the public road along the front of the property.
- (5) All driveway cuts shall meet all of the applicable standards as follows:
 - a. Driveways shall be constructed to conform to the existing paved street grade.
 - b. Driveway width shall be adequate to provide sufficient turning radius and the driveway shall be as near level as possible at the road entrance to provide for easy and safe ingress and egress and to provide good visibility.
 - c. Driveways shall cross the sidewalk area (if any) to allow for a smooth and continuous sidewalk (either existing or proposed) along the Town rights-of-way.
 - d. Driveways shall have a sufficient rock or stone base to keep mud and dirt off of the road.
 - e. Driveway drainage tiles shall be installed in a manner that will not impair or alter the existing drainage. These tiles shall be a minimum of twenty (20) feet in length.
 - f. Driveway drainage tiles to be located within the Town rights-of-way must be concrete. Driveway drainage tiles not to be located within Town rights-of-way may be galvanized metal, plastic, or concrete. If plastic is used it must meet state specifications and have headwalls installed. All drainage tiles must be covered with a minimum of twelve (12) inches of crusher run stone. The driveway tile must have a minimum diameter of fifteen (15) inches, but not to exceed twenty-four (24) inches unless specified by an engineer. The driveway tile shall not be of such a size as to adversely affect drainage above and below the property.
 - g. If the driveway has a 5% or greater slope from the road, the first twenty (20) feet of the driveway from the edge of the pavement must be paved with concrete or asphalt. A French drain must be installed no more than five (5) feet from the public road edge. Concrete must have a minimum thickness of four (4) inches and asphalt should have a minimum thickness of two (2) inches after compaction.

- h. Cuts to existing curbing and or streets shall be done by sawing; curbs and/or street shall be repaired to original condition. This shall be the responsibility of the property owner and, if used, the contractor. No Certificate of Occupancy shall be issued until this work is complete. The responsibility of the property owner and contractor for the road's condition shall extend for one year after the Certificate of Occupancy is issued.
 - i. Property owners shall be responsible for maintaining driveways and cleaning up any material that washes off the driveway into the right-of-way.
 - j. Property owners shall be responsible for securing a permit for an Aquatic Resource Alteration Permit (ARAP) from the Tennessee Department of Environment and Conservation, which include: Dredging, excavation, channel widening, or straightening;
Bank sloping; stabilization; Channel relocation; Water diversions or withdrawals; Dams, weirs, dikes, levees or other similar structures; Flooding, excavating, draining and/or filling a wetland; Road and utility crossings; Structural fill. (Only if applicable) A copy of the (ARAP) permit shall be submitted to the building inspector prior to commencing driveway construction.
- (6) The road commissioner, City Recorder or Building Inspector may require a bond to cover damages to the town road from construction of driveways or installation of utilities along or across the town road. The amount of such bond shall be determined by the road commissioner.
- (7) A driveway cut permit and inspection is required for: (1) any new driveway cut or, (2) any substantial improvements to an existing driveway, which extends into the right-of-way. A permit must be issued by the Building Inspector or Town Recorder prior to the commencement of any work. The purpose of the permit is to assure the proper placement and construction of new driveway connections.
- (8) It shall be unlawful for any grading contractor to initiate construction of a driveway entrance until a permit is obtained by the property owner and contractor as required in this chapter. A field inspection shall be required prior to the issuance of a driveway cut permit. Applicants must complete the following before beginning any work:
- a. Contact Town Hall to request a field inspection prior to constructing a driveway. The property owner shall provide his/her name, phone number, and address and/or subdivision name and lot number. The name of the contractor, address and phone number is also required.
 - b. The property owner should locate the proposed driveway connection location and width with flags or spray paint at the edge of pavement.

- c. The inspector will inspect the location within 3 business days of contact. The inspector will provide an inspection report which will either approve the requested location for the new driveway location and specify the size of the drain tile required for adequate drainage or deny the location and state the reason for denial and state the item(s) needed for a re-inspection.
- d. A copy of the inspection report will be sent to the property owner and Town Hall.
- e. The property owner may proceed with the driveway connection upon receipt of the field inspection report. Once work is complete, the property owner should contact Town Hall to request a final inspection.

(9) The penalty for each violation of this ordinance shall be punishable as a Class C Misdemeanor, with a fine of up to \$50.00 plus Town of Unicoi Municipal Court Costs. Anything done on city property must have prior approval before it is done. (Ord. #00-64, April 2001)

This ordinance shall take effect from and after its passage, the public welfare of the town requiring it.

Voting by the Board, as follows, on August 19, 2013:

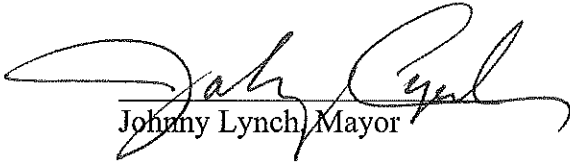
First Reading:

| | <u>Yes</u> | <u>No</u> |
|---------------------------|---------------|-----------|
| Mayor Johnny Lynch | <u>X</u> | — |
| Vice Mayor Doug Hopson | <u>X</u> | — |
| Alderman Dwight Bennett | <u>X</u> | — |
| Alderman Michael Phillips | <i>Absent</i> | — |
| Alderman Mark Ramsey | <u>X</u> | — |

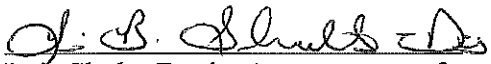
Voting by the Board, as follows, on September 16, 2013:

Second and Final Reading:

| | <u>Yes</u> | <u>No</u> |
|---------------------------|------------|-----------|
| Mayor Johnny Lynch | <u>X</u> | — |
| Vice Mayor Doug Hopson | <u>X</u> | — |
| Alderman Dwight Bennett | <u>X</u> | — |
| Alderman Michael Phillips | <u>X</u> | — |
| Alderman Mark Ramsey | <u>X</u> | — |


Johnny Lynch, Mayor


Larry B. Rea, CMC, City Recorder as witness


Lois Shults-Davis, Attorney as to form