

CHAPTER 9.03: STREETS AND SIDEWALKS

Section

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§ 9.03.001 OBSTRUCTION PROHIBITED.

No person may obstruct or impede travel in the public streets, sidewalks and rights-of-way within the town without prior written approval of the Chief of Police.
(Prior Code, Ch. 8, § 1) Penalty, see § 1.01.999

§ 9.03.002 DAMAGING STREET SURFACES, STREET NAME SIGNS AND THE LIKE.

(A) No person may mutilate, deface, remove, damage, or in any manner interfere with any street name signs, except town employees in the performance of their duties.

(B) It shall be unlawful for any person, firm, or corporation to drag or run, or cause to be dragged or run any implement, engine, machine or tool upon any asphalt, or other type of permanently paved street, parking lot or driveway of the town which shall be liable in any way to injure or cut the surface thereof.
Amended 2/16/12

(C) No person may damage, injure, obstruct or otherwise interfere with any street, sidewalk, right-of-way, bridge, culvert, ditch or drain owned or maintained by the town.
(Prior Code, Ch. 8, § 2) Penalty, see § 1.01.999

§ 9.03.003 CROSSING MEDIANS.

It shall be unlawful for an operator of a vehicle to drive a vehicle upon or across a median in a roadway except to avoid imminent danger or unless the vehicle is disabled.
(Prior Code, Ch. 8, § 3) Penalty, see § 1.01.999

§ 9.03.004 HOUSE AND BUILDING NUMBERS.

The owner of every house and building housing commercial or industrial facilities shall display or cause to be displayed on the front thereof, or on the grounds in a position easily observed from the street, the number assigned to the house or building.
(Prior Code, Ch. 8, § 4) Penalty, see § 1.01.999

§ 9.03.005 EXCAVATION PERMIT REQUIRED.*Added 2/16/12*

It shall be unlawful for any person to make any excavation or opening or dig any ditch, trench, tunnel or hole in, along, across or under any street, sidewalk, right of way, or other public place in the town for the purpose of laying or placing therein any pipe, wires or poles or for any other purposes unless a written permit therefor has been issued by the Town Manager or some other officer of the town vested with that authority.

§ 9.03.006 APPLICATION FOR PERMIT; FEES.*Added 2/16/12*

(A) All persons desiring a permit to make an opening in any street or sidewalk, as set forth in § 9.03.005, shall make written application therefor. The application shall specify the location, character and extent of the proposed work as set forth in § 9.03.005, the applicant's name and the name of the person who is to conduct the work. The application shall be accompanied by a fee as set forth in the published rate schedule of the town.

(B) The permit shall specify a time period within which the work shall be started and completed and shall further specify that it shall become void if the work authorized therein is not conducted within the specified time period. Notice of the proposed work shall be given to the police department 24 hours in advance of beginning the work. In an emergency the notice shall be given as soon as possible. The permit shall further provide that it is subject to revocation at any time by the director of public works or Town Manager. It shall be unlawful for any person to neglect or refuse to comply with the provisions of the permit, or to conduct or continue any work after the expiration or revocation of the permit.

§ 9.03.007 LIABILITY FOR EXCAVATIONS.*Added 2/16/12*

Any person obtaining a permit as provided for in §§ 9.03.005, and 9.03.006 agrees as a condition of the issuance of the permit, to indemnify the town against any claims or expenses, including attorney's fees for bodily injury or property damage for accidents or occurrences arising out of the person's operations, excluding only the liability of the town for its sole negligence.

§ 9.03.008 RESPONSIBILITY FOR STREET REPAIR AND DAMAGE.*Added 2/16/12*

(A) When any part of any street, sidewalk, alley, right of way, or other public place of the town shall be torn or dug up for any purpose, the person making the excavation or opening shall, immediately upon completion of the work and as speedily as practicable, refill the excavation or opening in accordance with town standards and specifications and to the satisfaction of the Director of Public Works and the Town Manager. Any person neglecting, refusing or failing to comply with any provision of this section shall be guilty of a violation, and where the neglect, refusal or failure is continued, after notice from the Town Manager, every day's continuance shall constitute a separate and distinct offense.

(B) When any street, sidewalk, alley, right of way, or other public place is excavated, cut, or damaged, the person causing such excavation, cut, or damage shall restore the facility to its previous condition (including patching or re-paving with asphalt or concrete as required by the Town) as soon as possible, but in no case later than 60 days, unless an extension of this period is granted, due to weather or other reasonable conditions, by the town manager or public works director.

(C) In addition to any other penalties set forth for violations of this Code, persons who fail to obtain a proper permit for a street excavation, who fail to speedily re-fill or maintain an excavation, and/or who fail to properly patch or re-pave an excavation shall be liable to civil penalties in accordance with the approved schedule of fees

§ 9.03.009 MAINTAINING SAFETY OF EXCAVATION AREA.

Added 2/16/12

It shall be unlawful for any person, firm or corporation who obtains a permit under this subchapter to do any excavation of any kind which may create or cause a dangerous condition in or near any street, alley, sidewalk, right of way, or public place of the town without placing and maintaining proper guard rails three feet from the ground and signal lights or other warnings sufficient to warn the public of the excavation or work, and to protect all persons using reasonable care from injuries.

§ 9.03.010 STORMWATER DRAINAGE

(A) Tiling and other changes in right of way ditches.

(1) Where grassy swales currently exist as a drainage feature, the town, through enforcement of its ordinance, will seek to protect those swales from any development or alteration. Normally, continuously piped storm drains will not be permitted. The tiling or other alteration of right-of-way drainage ditches shall be permitted only with the express approval of the Zoning Administrator and only after adequate verification that the tiling or other alteration will not impede or accelerate unreasonably the flow of stormwater runoff to adjoining property. If approval for the tiling is granted, the person requesting the approval shall install, in conjunction with the tiling, the catch basins as may be required by the Zoning Administrator after taking into consideration the length of the right-of-way drainage ditch to be tiled.

(2) During and after any drainage projects, drainage ditch integrity shall be maintained against erosion and/or drainage changes at all stages of construction with marl rip-rap, mulching, sodding, silt fence or other materials as may be required by the Town.

(3) Prior to issuing approval for a project, the Zoning Administrator may require the applicant to submit the proposed specifications and drawing defining the stormwater drainage plans, including the percentage of impervious surfaces, for the project and for any changes to existing drainage features outside the new area necessary to accommodate the plan.

- (4) Changes to established drainage features such as size or elevation of driveway culverts, of swales and of ditches on town property or easements shall not be made without the written approval of the Zoning Administrator indicating that the change will not significantly impact stormwater drainage in the area.
- (5) Grade changes on private property shall be considered drainage feature changes, and shall require written approval of the Zoning Administrator. Grading on private property shall not accelerate, or increase nor divert the flow of stormwater onto adjacent private property.
- (6) For those drainage ditches and drainage pipes installed in the town's right-of-way by the property owner, either current or prior, or by the developer, it is the current property owner's responsibility to maintain those drainage ditches and pipes. The drainage ditches, and pipes, must be kept clear of obstructions or conditions which might retard the free flow of stormwater past their property and under their driveways.
- (7) No surface water shall be channeled or directed into a sanitary sewer.
- (8) Nuisance water shall not be a violation of this chapter or subject to enforcement procedures under the provisions of this chapter. Waterways within the jurisdiction of the Corp of Engineers and/or the North Carolina Department of Environmental Quality shall not be classified as nuisance water. Additionally, stormwater retention and/or detention ponds shall not be classified as nuisance water.
- (9) Any project, due to complexity or scale, may be subject to the provisions of § 15.01.082 (7) of the Town's Code, when deemed necessary by the Zoning Administrator.
- (10) Problem water will not be allowed to exist within any drainage feature such as a swale, ditch or pipe located within the town's property, right-of-way or easement. Nuisance water and waterways shall not be classified as problem water.

Penalty, see § 1.01.999

Amended 11/19/2020

Establishment and control over municipal streets, see G.S. § 160A-296