

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 02/16/12

- (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 02/16/12

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 02/16/12

- (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 02/16/12

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 02/16/12

- (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 02/16/12

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

The receiving stream for the town's stormwater runoff is the Trent River. Most of the town's stormwater drainage flows through grassy swales in route to either the town's canal system or directly into the Trent River. Grassy swales allow nitrogen, phosphates and other constituents an opportunity to be naturally removed from the stormwater before it enters the Trent River or the canal. A traditional piped system does not allow for this natural treatment to occur before the stormwater enters the river. The Town of River Bend, through enforcement of our Stormwater Drainage Ordinance, seeks to maintain and improve this natural treatment process in order to help protect our natural resources.

- 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 drainage pipes and/or driveway culverts installed in the town's right-of-way by a private property owner, either current or prior, or by the developer, it is the current private property owner's responsibility to maintain those against any material defects, damage or pipe failure that may restrict, block, impede or otherwise obstruct the flow of water through said pipes. For the purpose of this section, the private property owner who is responsible for material defects, damages or failures of pipes, as described above, is the person/entity whose private property is accessed or serviced by pipes or culverts that have been placed in the town's right-of-way.
 7. No surface water shall be channeled or directed into a sanitary sewer.
 8. 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.
 9. Once a private property owner has been notified by the Zoning Administrator that a violation of §15.02.069 (6) exists in any piping serving their property, they shall have 15 days from the date of notification to remedy the violation. If they fail to do so, the Town shall cause the violation to be remedied and shall assess any costs for remediation to the property owner. In the event of an emergency, the Town may remove any obstruction

within its right-of-way without notification of the owner and without responsibility for repair or replacement of the removal.

Penalty, see § 1.01.999

Amended 11/19/2020

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