

CHAPTER 16

STREETS AND SIDEWALKS

For state law as to authority of city to establish and control streets, see G.S., § 160A-296. As to city streets generally, see G.S., § 160A-296 to 160A-310.

As to director of public works generally, see §§ 2-33 to 2-35 of this Code. As to the numbering of houses, see §§ 4-6 to 4-9. As to use of cemeteries as public thoroughfare, see § 5-19. As to mobile home parks generally, see ch. 12. As to motor vehicles and traffic generally, see ch. 13. As to playing ball games in streets, see § 14-4. As to noise generally, see §§ 14-11, 14-12. As to parades generally, see § 14-13. As to damaging trees, shrubs, etc., on street, etc., see § 14-16. As to school crossing guards, see § 15-9. As to water and sewers generally, see Ch. 19.

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Sec. 16-1. Encroachments.

It shall be the duty of the Planning and Development Director, or his designee, to notify all persons about to erect any buildings, sidewalks, walls, fences, or any other structures or improvements near any public streets or alleys not to encroach upon the right of way for such public street or alley. If, in the opinion of the city manager, any such encroachment is being or has been constructed upon the right of way for any public street or alley, he shall cause a survey of the line of such street or alley to be made by a competent surveyor; and, if the survey shall show that the street or alley is encroached by any such structures or improvements, the owner shall be required to pay the costs of the survey and be required to remove all encroachments within ten days of the date of written

notice by the city. Any owner who shall fail to remove all encroachments within such time period shall, upon conviction, be guilty of a misdemeanor. This ordinance may also be enforced by an appropriate equitable remedy, including an injunction and order for abatement of the encroachment.

This section shall not apply to mailboxes or newspaper boxes which are mounted on a single metal pipe not larger than two inches in diameter (or an equivalent size channel post) or on a single wooden post not larger than four inches by four inches or four and one-half inches in diameter and installed according to U.S. Postal Service requirements. Multiple mailbox installations shall be in conformance with "A Guide For Erecting Mailboxes On Highways," published by the American Association of State Highway and Transportation Officials on May 24, 1984, as amended. (Code 1961, § 14-1.) (Amended 4-25-2016.)

Sec. 16-2. Obstructions.

It shall be unlawful to obstruct any public street, sidewalk, alley, or bridge so as to interfere with pedestrian or vehicular traffic or so as to interfere with the vision of traffic. This section shall not apply to temporary obstructions caused by persons engaged in construction work in accordance with the following sections of this chapter. (Code 1961, § 14-2.) (Amended 4-25-2016.)

Sec. 16-3. Pavement of streets for first time.

It shall be required of anyone desiring their streets paved for the first time to prepay the street assessments prior to any paving being done. This prepayment shall be paid to the city based on the paving contractor's estimate. Any amount paid over the actual cost of paving will be refunded by the city, and any amount that may be short of actual cost shall be due immediately. (6-12-72)

Sec. 16-4. Cutting or excavating--Permit required.

No person shall make any excavations or cut or make any other opening in any of the streets or sidewalks without first having obtained a permit therefor from the city manager. (Code 1961, § 14-3.)

Sec. 16-5. Warnings required for excavations or obstructions.

Any person excavating or opening any street or sidewalk shall protect the same with a sufficient number of barriers, red flags during the daytime, and red lights at night.

Any person engaged in doing work that creates any dangerous condition or obstruction in the public right of way of any street or sidewalk shall take whatever action is necessary, including the placement of barricades and warning signs or devices, to warn the traveling public of the condition or obstruction. (Code 1961, § 144.) (Amended 4-25-2016.)

Sec. 16-6. Restoration of openings.

All openings made in any street or sidewalk under the provisions of sections 16-4 and 16-5 shall, immediately upon the completion of the work, be filled in and the surface thereof made flush with the adjacent surfaces. Any hard surface, macadam or asphalt removed shall be replaced according to city specifications set forth in the Land Development Guidelines on file with the Planning and Development Director. In case of the failure of applicant to refill or replace according to the city specifications as set out above, the city will perform the work at the expense of the applicant. (Code 1961, § 14-5.) (Amended 4-25-2016.)

Sec. 16-7. Poles--Permit required.

Repealed.

No poles for electric, telegraph, telephone or other purposes shall be placed on any street without a permit therefor being obtained from the city manager. (Former Sec. 16-7, Code 1961, § 14-6.) (Repealed 4-25-2016.)

For state law as to the regulation of public utilities generally, see G.S. §§ 62-1 to 62-350. As to the effect of local ordinances on proposed transmission lines, see G.S. § 62-106. As to the regulation of pole attachments owned by municipalities, see G.S. § 62-350.

Sec. 16-8. Same--Limited to one line.

Repealed.

(Former Sec. 16-8, Code 1961, § 14-7.) (Repealed 4-25-2016.)

Sec. 16-9. Same--Agreement between companies.

Repealed.

(Former Sec. 16-9, Code 1961, § 14-8.) (Repealed 4-25-2016.)

Sec. 16-10. Same--Care and inspection.

Repealed.

(Former Sec. 16-10, Code 1961, § 14-9.) (Repealed 4-25-2016.)

Sec. 16-11. Right of city to use utility poles or underground conduits.

One duct in all underground conduit systems shall be provided for the city free of charge for the city's police, fire alarm system, and low voltage networking cabling, and the city shall have the use of any and all poles on streets for the same purposes. (Code 1961, § 14-10.) (Amended 4-25-2016.)

Sec. 16-12. Street numbers required.

- (a) Every property owner of improved property shall, on or before July 1, 1987, display in the manner hereinafter set forth the street number of such property.
- (b) Street numbers shall be no less than four (4") inches tall and shall be affixed upon such residence or business or otherwise placed upon the premises in such a manner as to be clearly visible from the street.
- (c) It shall be unlawful for any person to alter, deface or take down any number placed on any property in accordance with this ordinance except for the purpose of repair or replacement. (5-11-87)

Sec. 16-13. Creating conditions necessitating special cleaning or repairs.

- (a) No person may cause, suffer, or permit any condition to be created in or upon any public street, sidewalk, curb, gutter, or storm drain that necessitates the special cleaning or repair of such street, sidewalk, curb, gutter, or storm drain. Without limiting the generality of the foregoing, the following are specifically prohibited:
 - (1) The hauling of dirt, debris, materials removed from the sites of construction or reconstruction of buildings or structures, or waste materials of any kind, in such manner that any portion of such dirt, debris or materials is spilled, lost, dropped or left upon the streets, sidewalks, curbs, gutters, or storm drains.
 - (2) The depositing or leaving upon the streets, sidewalks, curbs, gutters, or storm drains of mud, dirt or any other material as a result of the use of trucks, construction equipment or machinery, regardless of whether such materials are spilled, lost or dropped in transit or are deposited upon the surface of the street or public property by the tires or wheels of such trucks, construction equipment or machinery.
 - (3) The grading of lots, lands or driveways at elevations higher than the street or sidewalk level or any other acts, neglects or conditions created or allowed to exist upon said lots, lands or driveways which result in mud, dirt, soil, gravel, debris or any other material being washed or otherwise deposited upon a public street or sidewalk or into a public storm drainage system.
 - (4) The throwing or depositing in or upon any street, sidewalk, or storm drain of any glass bottle, tacks, nail, wire, cans, or any other substance likely to injure or damage any person, animal, or vehicle.

- (b) For purposes of this section:

- (1) Special cleaning or repair of streets, sidewalks, curbs, gutters, or storm drains is necessitated when the condition of such streets, sidewalks, curbs, gutters, or storm drains is such that (i) their use by the public is threatened, limited, or impaired; (ii) the use and enjoyment of property abutting such streets, sidewalks, curbs, gutters, or storm drains is diminished or limited; or (iii) substantial damage is caused to such streets, sidewalks, curbs, gutters, or storm drains or abutting property.
 - (2) Special cleaning or repair includes but is not limited to sweeping, flushing, removal of mud or debris, resurfacing, restoration of gravel and base, or any other extraordinary maintenance measures that are required to restore the street, sidewalk, curb, gutter, or storm drain to the condition that existed prior to the occurrence of the prohibited act.
- (c) If the Streets and Solid Waste Director determines that, as a result of a violation of subsection (a), conditions exist that require special cleaning or repairs, he shall notify any or all persons responsible under subsection (a) of the existence of such conditions and shall order prompt abatement thereof.
- (d) If any person, having been ordered to abate such a condition requiring special cleaning or repairs, fails, neglects, or refuses to abate or remove the condition within the time specified, the Streets and Solid Waste Director shall cause said condition to be corrected or otherwise remedied by having employees or subcontractors of the city accomplish the work requiring special cleaning or repairs. The costs incurred by the city in accomplishing such special cleaning or repairs shall be billed by the city to the persons responsible under subsection (a). This ordinance may also be enforced by an appropriate equitable remedy, including an injunction and order for abatement.

(Adopted 4-25-2016.)