

CHAPTER 93: STREETS AND SIDEWALKS

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CROSS-VISIBILITY OBSTRUCTIONS AT STREET INTERSECTIONS

§ 93.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

OBSTRUCTION. Any structure, fence, shrub, bush, tree, flower, plant, motor vehicle or any other object that obscures, impairs or prevents view or sight through, over and across the sight distance area as defined in this section.

SIGHT DISTANCE AREA

(1) **HORIZONTAL AREA.** The area formed by extending lines from point of intersection of intersecting streets along the centerlines of such streets for a distance of 40 feet and connecting the ends of such lines by a straight line to form the base of the triangle. Each of the two sides of this triangle will be 40 feet in length.

(2) **VERTICAL AREA.** The area between 30 inches and 72 inches above the horizontal area measured from the level of the point of intersection of the centerlines of the intersecting streets. (Ord. 501, passed 2-9-76)

§ 93.02 INSTALLATION OR MAINTENANCE OF NATURAL GROWTHS OR OBSTRUCTIONS PROHIBITED.

Within said described area, and except as provided in § 93.06, it shall be unlawful to install, set out or maintain, or to allow the installation, setting out or maintenance of, any sign, hedge, shrubbery, tree, natural growth or other obstruction of any kind which obstructs cross-visibility.

(Ord. 501, passed 2-9-76) Penalty, see § 93.99

§ 93.03 APPROPRIATE TRAFFIC-CONTROL DEVICES MARKED.

Any intersection at which cross-visibility is obstructed by any obstruction excepted herefrom by § 93.06, shall be so marked by appropriate traffic-control devices as to provide for the safety of motorists and pedestrians at such intersection. (Ord. 501, passed 2-9-76)

§ 93.04 ABATEMENT PROCEDURE.

Any obstruction to cross-visibility maintained in violation of this chapter shall be deemed to be a public nuisance inconsistent with and detrimental to the public safety and shall be abated in accordance with the following procedure:

(A) The Street Commissioners shall cause to be served by certified mail a written notice and order of abatement upon the owner, tenant or person in charge of the premises upon which such obstruction exists.

(B) Such obstruction shall be removed by the person responsible therefor within ten days from the date of receipt of such notice and order.

(C) Any person receiving such notice and order may, within ten days from receipt thereof, request in writing a hearing before the Town Council, such hearing to be held not later than the second regular meeting of the Town Council following the date of such a request. If, after said hearing, the Town Council finds that the obstruction in question does in fact constitute a public nuisance, the Town Council shall order that such nuisance be abated within ten days from the date of such order. Upon failure by any person to comply with such an order, the Street Commissioners shall proceed forthwith to remove or cause the removal of such obstruction and the cost thereof shall be a charge against the person responsible and shall be a lien against the property from which such obstruction is removed. (Ord. 501, passed 2-9-76)

§ 93.05 ADMINISTRATION; ENFORCEMENT.

The administration of this chapter shall be under the direction of the Street Commissioners who shall investigate violations, issue such notices and orders as

are required herein and perform such other duties as may be necessary to the enforcement hereof. (Ord. 501, passed 2-9-76)

§ 93.06 EXCEPTIONS.

The foregoing provisions of this chapter shall not apply to:

(A) Permanent buildings.

(B) Existing grades, which, by reason of natural topography, exceed 30 inches above the level of the center of the adjacent intersection; provided, that no obstruction to cross-visibility not specifically excepted herefrom shall be installed, set out or maintained on any existing grade which is more than 30 inches but less than 72 inches above the level of the center of the adjacent intersection.

(C) Trees having limbs and foliage trimmed in such manner that no limbs or foliage extend into the area between 30 inches and 72 inches above the level of the center of the adjacent intersection.

(D) Fire hydrants, public utility poles, street markers and traffic-control devices. (Ord. 501, passed 2-9-76)

§ 93.07 MOST STRINGENT PROVISIONS TO APPLY.

If the provisions of any other law, ordinance or regulation of the town or the state shall be in conflict with the provisions of this chapter, the more stringent provision shall control. (Ord. 501, passed 2-9-76)

STRUCTURES AND OBSTRUCTIONS

§ 93.10 STRUCTURES.

No person shall maintain, erect, or permit the erection of any temporary or permanent building, hut, hotel, shanty, tent, basketball goal, culvert, or other structure under his or her control upon any street, sidewalk, alley, or other public way or right-of-way within and under the control of the town and open to public use, without the express consent of the town. (Ord. passed 10-14-96) Penalty, see § 93.99

§ 93.11 OBSTRUCTIONS.

(A) It shall be unlawful for any person to place, suffer, or permit any sign, garbage can, box, bale, crate, barrel, stand, frame, cart, basketball goal, culvert, or other obstruction of any nature upon any street, alley, sidewalk, or right-of-way in the town.

(B) The provisions of division (A) shall not apply in the following circumstances:

(1) Loading, unloading, moving, or transporting the above-state materials.

(2) Standard covered garbage cans, at the time and places designated by ordinance or order of the Director of Public Works.

(3) In case of a written permit for construction, maintenance, advertising, peddling, and such other purposes as are provided by ordinance. (Ord. passed 10-14-96) Penalty, see § 93.99

their approval. Such preliminary plan shall show the location of the proposed street, alley or other public way, the right-of-way width, all adjacent

***ACCEPTANCE AND IMPROVEMENT OF
PUBLIC STREETS***

§ 93.20 POLICY ESTABLISHED.

The policy of the town for the acceptance of streets dedicated for public use and the policy for improving all streets shall be as hereinafter prescribed in this subchapter.

(Res. passed 9-8-75; Am. Res. passed 11-12-89; Am. Res. passed 3-12-90)

§ 93.21 REQUIREMENTS FOR THE ACCEPTANCE OF NEW STREETS.

No streets, alley or other public way dedicated for public use within the town will be accepted by the town as a public street and no maintenance or improvement will be authorized thereon unless the following requirements have been complied with.

(A) Prior to opening any street, alley or other public way, the property owner, owners or developer shall submit a preliminary plan to the Town Council for



property owners, water courses and such other information as the Town Council may require.

(B) Minimum standards for new streets, extensions of existing streets or alleys for which approval is required shall be as follows:

(1) A minimum right-of-way width of 50 feet dedicated for street purposes. In addition, the Town Council may require a right-of-way width greater than 50 feet if such street is to be used as a major thoroughfare or where greater widths are required by a major street plan.

(2) A minimum right-of-way of 20 feet for all service alleys.

(3) Streets shall conform to the general street plan or major thoroughfare plan of the town as to location.

(4) Streets shall intersect at right angles and the street alignment shall not change more abruptly than a vertical curve of 1,000 foot radius except where existing conditions justify a modification of this requirement by the Town Council.

(C) If the street plan is approved the owner, owners or developer shall be required to make the following improvements at no cost to the town prior to the town accepting such street or alley as a public street.

(1) The right-of-way shall be cleared and graded to its final grade for the full width of the right-of-way. Grades shall not as far as practical exceed 5%.

(2) Streets shall be crowned and adequate street drainage ditches provided in accordance with the street improvement construction specifications of the town.

(3) Top soil, gravel or other suitable base course material shall be put in place for a minimum width of 30 feet, which shall be the minimum width for an improved street. Additional improved street widths may be required for major thoroughfares by the Town Council. Provided, the improved width of alleys need not exceed 20 feet.

(D) When the requirements of this section have been met to the satisfaction of the Town Council and the Street Commissioner, the Town Council may by

resolution accept such street or alley for public use. (Res., passed 9-8-75; Am. Res., passed 11-12-89; Am. Res., passed 3-12-90)

§ 93.22 PETITION FOR STREET IMPROVEMENT.

From and after the effective date of this subchapter, the town will not consider paving or otherwise improving any street or alley unless a petition is presented to the Town Council on forms provided by the town, signed by majority of the property owners who represent a majority of the lineal footage on the street proposed to be improved requesting that 70% of the total cost of such improvement be assessed against the abutting property owners.

(Res., passed 9-8-75; Am. Res., passed 11-12-89; Am. Res., passed 3-12-90)

§ 93.23 STREET IMPROVEMENT DEFINED.

(A) Street improvements for all streets which shall be included in the property owners' petition, the total cost of which shall be assessed against the abutting property owners, shall include the following:

(1) Storm sewer drainage facilities, including drainage pipe 30 inches or less in diameter, inlets and other necessary incidentals as may be required by town specifications.

(2) Curb and gutter as required by town specifications.

(3) Grading for a width of 30 feet on those streets which were opened prior to the effective date of this resolution and which need to be graded prior to surfacing.

(4) Base course material for a width of 30 feet if existing base course is not adequate in accordance with town specifications.

(5) Street surfacing according to town specifications for a width of 30 feet.

(B) The improvement costs for street widths in excess of 30 feet, the cost of required drainage facilities which are larger in size than required herein, and the total cost of all improvements at street intersections shall not be assessed against abutting property owners and shall be paid for by the town. (Res., passed 9-8-75; Am. Res., passed 11-12-89; Am. Res., passed 3-12-90)

§ 93.24 STREET IMPROVEMENT PROJECT PROCEDURE.

(A) Upon the receipt of a petition for street improvements, the Town Clerk shall examine the petition and certify as to its sufficiency to the Town Council. No petition shall be considered for street improvements where streets have been opened after the effective date of this resolution in violation of § 93.21. In addition no petition shall be considered for a street less than one normal block in length.

(B) If the petition from the property owners is found to be sufficient, the Town Council shall direct the Town Engineer to estimate the total cost of the street project in accordance with street specifications, to determine the total cost per foot of property frontage and the total cost of the town for intersections and other improvements the cost of which is to be borne by the town.

(C) When cost estimates are received, the Town Council shall consider the availability of funds for street improvements, the degree of development along the street proposed to be improved and may approve such street improvement project as they deem best.

(D) When a street improvement project is approved, the property owners abutting such improvement shall be notified of the total estimated cost per foot of that each owner has the opportunity to pay his proportionate share in cash in advance. In addition, the property owners shall be further notified that the project will not be scheduled or construction work started until 80% of the total estimated cost of the entire project is deposited with the town.

(E) When the required amount has been deposited, with the town, the street improvement assessment procedure as authorized in G.S. §§ 160-78 through 160-105 shall be followed and assessments shall be made against the properties abutting upon such improvement according to an equal rate per front foot. Property owners who have made a cash deposit in advance as required herein shall be credited for such payments on the assessment rolls. In accordance with the requirement of the General Statutes, property owners not paying assessments in cash in advance shall pay their assessments in five equal annual installments which shall bear the prevailing interest rate per annum.

(F) In event the actual cost of improvements is

less than the estimated cost, such excess shall be refunded to the property owners. In event the actual cost exceeds the estimated cost the property owners will be assessed for this amount or may pay such amount in cash in the manner provided by law.

(Res., passed 9-8-75; Am. Res., passed 11-12-89; Am. Res., passed 3-12-90)

§ 93.25 SIDEWALK IMPROVEMENTS.

Petitions for street improvements may include requests for sidewalk improvements in accordance with town specifications. Such sidewalk improvements may be constructed as part of the street improvement project and in the same manner except that 100% of the total cost of sidewalk improvements exclusive of the cost at intersections shall be assessed against the property owner.

(Res., passed 9-8-75; Am. Res., passed 11-12-89; Am. Res., passed 3-12-90)

§ 93.26 INSTALLATION OF UTILITIES.

The Town Council prior to approving any project or authorizing any street improvement shall determine if any underground electric or underground telephone lines are to be installed or water and sanitary sewer facilities have been installed within that portion of the street located between curbs. If such facilities are to be installed or if facilities are inadequate and will have to be replaced, the Town Council shall postpone the street improvement project pending the installation of such facilities.

(Res., passed 9-8-75; Am. Res., passed 11-12-89; Am. Res., passed 3-12-90)

§ 93.27 RESPONSIBILITY OF PROPERTY OWNERS.

(A) Property owners along streets which are surfaced and have curb and gutter are responsible for replacing any driveway or walkway within the street right-of-way as a result of new street construction improvements. Driveway entrances and aprons at the curb line will be constructed by the town at the location designated by the property owner and the cost thereof will be included in the total cost assessed for street improvements. Property owners shall be responsible for seeding, landscaping or otherwise improving the area between curbs and the property line as they may desire provided no walls or other permanent structures are located within the street right-of-way.

(B) Drainage pipes and other material on the right-of-way at the time of construction which were purchased by the property owner will be removed and placed on the lot of the owner for his disposition. The town will haul away such items if requested by the owner and with owner's permission.

(Res., passed 9-8-75; Am. Res., passed 11-12-89; Am. Res., passed 3-12-90)

§ 93.28 CONSTRUCTION ACCORDING TO SPECIFICATIONS.

All street grading, base course preparation, storm drainage, surfacing, curb and gutters, and other improvements shall be constructed in accordance with the written specification of the town which have been approved by the Town Council. All work shall be done under the supervision of the Street Commissioner.

(Res., passed 9-8-75; Am. Res., passed 11-12-89; Am. Res., passed 3-12-90)

§ 93.29 OPENING AND IMPROVING STREETS WITHOUT PETITION.

When in the opinion of the Town Council a new street should be opened and improved and no petition is filed asking for the assessment of the cost thereof, and when the Town Council is of the opinion that the public benefit will be greater than the benefit to abutting property owners, the Town Council may direct that such improvement be made and the entire cost thereof paid by the town.

(Res., passed 9-8-75; Am. Res., passed 11-12-89; Am. Res., passed 3-12-90)

§ 93.30 RESURFACING IMPROVEMENTS.

Whenever it is necessary to resurface any street which has been surfaced under this policy as herein established, the town will undertake such resurfacing when funds are appropriated and the town shall bear the entire cost of such work.

(Res., passed 9-8-75; Am. Res., passed 11-12-89; Am. Res., passed 3-12-90)

§ 93.99 PENALTY.

(A) (1) In addition to any other remedies cited in this chapter for the enforcement of the provisions of this chapter the regulations and standards

contained in this chapter may be enforced through the issuance of citations by the designated town officials. These citations shall be in the form of a civil penalty. The town may recover this penalty in a civil action in the nature of a debt if the offender does not pay the penalty within 72 hours after being cited for a violation. In addition, failure to pay the civil penalty within 72 hours may subject the violator to criminal charges. The following civil penalties are established for violations under this section:

(a) Warning citations: correct violation within ten days.

(b) First citation, \$25.

(c) Second citation for same offense, \$100.

(d) Third and subsequent citation for same offense, \$200.

(2) These civil penalties are in addition to any other penalties which may be imposed by a court for violation of the provisions of this code of ordinances.

(B) In addition to the foregoing enforcement provisions, this chapter may be enforced by any remedy provided in G.S. § 160A-175 including, but not limited to, all appropriate equitable remedies issued from a court of complete jurisdiction as provided in G.S. § 160A-175(e). This section specifically provides that each day's continuing violation shall be a separate and distinct offense.

