

**CHAPTER 95: STREETS AND SIDEWALKS**

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**EXCAVATION AND REPAIR**

**§ 95.01 PERMIT REQUIRED.**

(A) No person shall make any excavation or opening or dig any ditch, trench, tunnel or hole in, along, across or under any street, sidewalk or other public place 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.

(B) Exclusions to division (A) above are owners or occupants of property allowed certain rights per §§ 95.20 and 95.21 and contractors with viable building permits.

(Ord. 19.80, passed - - ) Penalty, see § 10.99

**Statutory reference:**

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

**§ 95.02 APPLICATION FOR PERMIT.**

All persons desiring a permit, as set forth in § 95.01, to make an opening in any street or sidewalk shall make written application therefor, which application shall show the location of the proposed opening, the purpose therefor and the approximate number of square yards of surface to be cut. (Ord. 19.80, passed - - )

**§ 95.03 LIABILITY FOR EXCAVATIONS.**

Any person obtaining a permit, as provided for in §§ 95.01 and 95.02, agrees, as a condition of the issuance of the permit, to indemnify and hold harmless 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 except in connection with general supervision of work performed by the person. (Ord. 19.80, passed - - )

**§ 95.04 LEAVING EXCAVATIONS UNPROTECTED.**

It shall be unlawful for any person, firm or corporation who obtains a permit under the sections of this chapter to do any excavation of any kind which may create or cause a dangerous condition in or near any street, alley, sidewalk 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.

(Ord. 19.80, passed - - ) Penalty, see § 10.99

**§ 95.05 STREET REPAIR AFTER EXCAVATION.**

When any part of any street, sidewalk, alley or other public place of the town shall be torn or dug up for any purpose, the person making the excavation

or opening shall have the duty of refilling the excavation or opening, and the refilling shall be done in accordance with the standards and specifications issued by the Building Inspector. (Ord. 19.80, passed - - ) Penalty, see § 10.99

**§ 95.06 DAMAGE TO STREETS.**

It shall be unlawful for any person to operate any equipment on any street if such equipment is not intended for street use and is likely to cause damage to such street. In addition to fines or penalties, violators of this section shall be required to repair any damage. (Ord. 19.80, passed - - ) Penalty, see § 10.99

**§ 95.07 SIDEWALK CONSTRUCTION.**

No sidewalk shall be built on public property by any individual, firm or corporation of any brick, wood or other material without a written permit from the town. (Ord. 19.80, passed - - ) Penalty, see § 10.99

**§ 95.08 HOUSE MOVING.**

No person shall move any house or building upon or across the public streets or public sidewalks without the written consent of the Code Enforcement Office. (Ord. 19.80, passed - - ; Am. Ord. passed 4-10-01 ) Penalty, see § 10.99

**§ 95.09 DAMAGE TO BRIDGES, CULVERTS AND DRAINAGE FACILITIES.**

It shall be unlawful for any person to damage, deface, or cause to malfunction any bridge, culvert, ditch, drain, or other property owned or used by the town, or to obstruct any culvert, ditch, or drain so as to prevent the free flow of water one over, or under the streets of the town or cause any street to be inundated. (Ord. 19.80, passed - - ) Penalty, see § 10.99

**§ 95.10 VANDALISM OF MUNICIPAL PROPERTY.**

It shall be unlawful for any person to damage, deface, move or otherwise tamper with any sign, sign posts street light, traffic signal or other

municipal property on the streets and sidewalks of the town except that town employees may do so in the performance of their duties.

(Ord. 19.80, passed - - ) Penalty, see § 10.99

**§ 95.11 DRIVEWAYS.**

No person shall begin to construct, reconstruct, repair, alter, or grade any driveway on the public streets, unless a written permit therefor has been issued.

(Ord. 19.80, passed - - ) Penalty, see § 10.99

**OBSTRUCTIONS**

**§ 95.20 PLACING OBJECTS ON STREETS AND SIDEWALKS.**

It shall be unlawful for any person to place or permit to be placed any building supplies or other materials and objects on the streets of the town. (Ord. 19.81, passed - - ) Penalty, see § 10.99

**§ 95.21 USE OF STREETS RIGHTS-OF-WAY.**

(A) Except as hereinafter provided no obstructions of any type may be planted; cause to be planted; placed or cause to be placed on any streets rights-of-way unless authorized by this chapter. However, an owner or occupant of property abutting on such rights-of-way may install a mailbox and newspaper delivery receptacle on such rights-of-way.

(B) It shall be unlawful for any person to place or cause to be placed any obstruction in any drainage ditch so as to impede the flow of water; to place or cause to be placed any obstruction across any drainage ditch without the prior authorization of the town; or to place or cause to be placed any obstruction upon any drainage ditch right-of-way so as to impede the movement of maintenance equipment.

(C) Any owner or occupant of property who places or permits to remain any such obstructions on streets rights-of-way; within or across drainage ditches; or upon drainage ditch rights-of-way does so at their own risk. Failure on the part of the owner or occupant of a property to remove such obstruction within a reasonable time following notification by the

town will result in such obstruction being removed by the town at the expense of the owner or occupant of the property.

(Ord. 19.81, passed - - ; Am. Ord. passed 11-23-93)

Penalty, see § 10.99