

Ordinance #2014-12

Sec. 46-2. Obstructing streets and sidewalks. is repealed in its entirety and replaced with a new section 46-2. Obstructing streets and sidewalks. as set forth below:

a. Pavement. No items may be placed on the paved portion of any public street or sidewalk without the express permission of the Town. The Town has and will issue regulations and ordinances on the control of vehicular and pedestrian traffic on the paved portion of streets and sidewalks.

b. Unpaved portions of street rights of way. Use of that area of a public street right of way beginning at the edge of the street pavement and extending to the adjacent lot or boundary line, often referred to as the "shoulder of the road," is subject to the following.

1. Entire area:

- a) The owner of the adjacent lot is permitted to sod and plant grass in this area, and maintain the same, as long as such action does not divert or "pond" unreasonable amounts of rain water on the pavement or adjacent properties in such a manner as to effect public safety or cause damage to roadways.
- b) A driveway consistent with all other provisions of the Town Code, including but not being limited to the zoning and land use provisions of the Code, perpendicular to the street pavement may be paved.
- c) Changes in topography in this area are not permitted unless made by, or specifically authorized by, the Town.
- e) The Town reserves the right to install a sidewalk in this area.
- f) Any additional regulations by the State of North Carolina, or a state agency with jurisdiction, for the use of state maintained streets and street rights of way within town shall apply.
- g) Public utilities are permitted to use street rights-of-way according to the terms of their easements and according to other provisions of the Town Code that may be applicable.

2. The 6 feet strip of street right-of-way adjacent to the street pavement is subject to the provision applicable to the "entire area" set forth above and the following:

- a) Mailboxes consistent with the requirements of the U.S. Postal Service, and newspaper delivery receptacles, may be erected by the adjacent lot owner.

- b) Plantings not more than 3 feet in diameter or in height around mailboxes and newspaper receptacles may be maintained and driveway delineation plants not closer than 3 feet to the road pavement and no more than 3 feet in diameter or 3 feet high may also be maintained.
- c) Any overhang from plantings on an adjacent owner's property may not protrude within six feet of the paved surface of a street or sidewalk at a height of less than ten feet.

3. The strip of street right-of-way beginning 6 feet from the edge of the pavement and extending to the adjacent property line, if any, is subject to the provision applicable to the "entire area" set forth above and the following:

- a) Plantings by the adjacent property owner are permitted at the risk of the owner. In the event the town requires the use of this part of the right-of-way, such plantings must be removed by the owner at his own expense within 15 days after written notice from the town.

c. Entire street and sidewalk rights-of-way.

1. It shall be unlawful for any person to place or permit to be placed any building supplies or other materials and objects on the street rights-of-way of the town unless expressly permitted herein.

2. The Town Manager, and his designees, has the authority to remove objects in street or sidewalk rights-of-way, which, in the judgment of the Town Manager, present a threat to the safety of pedestrians, vehicles, bikes, or others.

Enacted the 13<sup>th</sup> day of August, 2014, on a motion by Commissioner Brodman with a second by Commissioner Edwards with 4 voting in favor, 0 opposed, 1 absent.

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Ken Jones, Mayor

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Scott Sherrill, Town Clerk