

CHAPTER 96: STREETS AND SIDEWALKS

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GENERAL REGULATIONS

§ 96.001 ENCROACHMENTS.

No person shall encroach upon the streets or sidewalks of the city by erecting or placing any structure, device or equipment of either temporary or permanent nature.

('90 Code, § 18-1) Penalty, see § 96.999

§ 96.002 DISPLAY, SALE OF MERCHANDISE.

No person shall store, display, sell or exhibit for sale on any street or sidewalk within the city any goods, wares or merchandise, nor shall any person place or use any equipment for the display, storage or vending of any goods, wares or merchandise upon any such street or sidewalk, except that, upon approval of the City Clerk, a portion of the sidewalk not exceeding 18 inches in depth may be so used.

('90 Code, § 18-2) Penalty, see § 96.999

§ 96.003 SIGNS OVER SIDEWALKS OR CURBS.

Any sign hung, suspended, projected or otherwise placed over or across, or partly over any sidewalk or curbing shall have its lower edge not less than eight feet above the sidewalk or curbing, and the owner shall keep it in such condition that the public will not be exposed to danger therefrom. The Building Inspector shall periodically inspect all such signs and, if any are found to be in an unsafe condition, he or she shall report the same to the City Manager and shall also notify the person owning or maintaining the signs to either remove the same or make such alterations or repairs forthwith as to make the same conform to the provisions of this section.

('90 Code, § 18-3)

§ 96.004 VIEW AT STREET INTERSECTIONS.

No person owning property at street intersections in any residential section of the city shall allow the property to become so congested with the foliage of trees and vines as to block the view of persons traveling on one street to any intersecting street.

('90 Code, § 18-4) Penalty, see § 96.999

§ 96.005 EMPTYING OF DRAIN PIPES.

No person shall allow any drain pipe, other than one used for carrying rainwater exclusively, to empty into or upon any gutter, sidewalk or street.

('90 Code, § 18-5) Penalty, see § 96.999

§ 96.006 DISCHARGING WASTEWATER, ODORIFEROUS SUBSTANCE.

No owner or occupant of a lot or building shall throw or cause to be thrown or discharged from his or her premises any wastewater or substance which emits an obnoxious odor upon any street or sidewalk.

('90 Code, § 18-6) Penalty, see § 96.999

Statutory reference:

Ditch or drain requirements, see G.S. § 136-95

§ 96.007 DEPOSIT OF DIRT, DEBRIS.

No person shall deposit any dirt, sand, gravel or debris upon any of the streets or sidewalks of the city.

(90 Code, § 18-7) Penalty, see § 96.999

Statutory reference:

Similar provisions, see G.S. § 160A-303.1

§ 96.008 THROWING ARTICLES FROM BUILDINGS.

No person shall throw or cause to be thrown from any window, door or roof of any store, house or other building, any article on any street or sidewalk.

(90 Code, § 18-8) Penalty, see § 96.999

Statutory reference:

Littering, see G.S. § 14-399

§ 96.009 OBSTRUCTING FLOW OF WATER.

No person shall place or make any obstruction in any waterway so that water shall accumulate in any street or sidewalk or in any manner obstruct the flow of water through or from any street, sidewalk or gutter, whether the obstruction is placed on his or her own property or on that of another.

(90 Code, § 18-9) Penalty, see § 96.999

Statutory reference:

Similar provisions, see G.S. § 136-92

§ 96.010 LOTS BELOW STREET LEVEL TO BE ENCLOSED.

All persons who own property adjoining streets and whose lots are below the street level shall securely enclose the same so as to prevent danger to persons passing along the streets.

(90 Code, § 18-10) Penalty, see § 96.999

§ 96.011 SNOW ON SIDEWALKS.

No person occupying premises within the business section of the city shall permit any snow to remain on the sidewalk in front of the premises longer than four hours, between sunrise and sunset, after the snow has ceased to fall.

(90 Code, § 18-11) Penalty, see § 96.999

§ 96.012 DEPOSIT OF OIL, GREASE.

No person shall pour or otherwise deposit any oil or grease on any street or sidewalk.

(90 Code, § 18-12) Penalty, see § 96.999

§ 96.013 DUTY TO KEEP SIDEWALKS, GUTTERS CLEAR.

Every owner or occupant of a lot on any street shall keep the sidewalk adjoining such lot clear and the gutter open and free from obstruction. If any rubbish, dirt, ashes or other thing is placed or left without lawful authority upon the sidewalk or in the gutter, the owner or occupant of the lot shall remove the same.

(90 Code, § 18-13) Penalty, see § 96.999

CUTS AND EXCAVATIONS

§ 96.025 COVERING, ENCLOSING AND MARKING EXCAVATIONS.

Excavations in any street, sidewalk or other public right-of-way shall be securely covered or enclosed at all times when persons are not at work therein. In addition, any person excavating or opening any street, sidewalk or other public right-of-way shall mark the same with a sufficient number of red flags during the day and lights at night.

(90 Code, § 18-21) Penalty, see § 96.999

§ 96.026 PERMIT REQUIRED.

No person shall make any excavation, cut or other opening in any street or sidewalk without first obtaining a written permit therefor from the City Manager or his or her designee.

(90 Code, § 18-22) Penalty, see § 96.999

DRIVEWAYS

§ 96.040 COMMERCIAL AND INDUSTRIAL CONSTRUCTION.

All commercial and industrial facilities shall submit a site plan and obtain a driveway permit as specified in § 96.026.

(90 Code, § 18-26) Penalty, see § 96.999

§ 96.041 FACILITIES SERVING OR ADVERTISING A BUSINESS.

No permanent facility shall be constructed within the bounds of the public right-of-way either on the ground, under the ground or above the ground for the purpose of serving or advertising any business, firm or corporation.

(90 Code, § 18-27) Penalty, see § 96.999

§ 96.042 RESIDENTIAL MAXIMUMS.

Driveway entrances to private homes or apartments shall be restricted to a maximum width of 24 feet for any single lot.

(90 Code, § 18-28) Penalty, see § 96.999

§ 96.043 RESIDENTIAL MINIMUMS.

Every residential lot on which a house is constructed shall be required to have at least one driveway entrance with a minimum width of 15 feet.

(90 Code, § 18-29) Penalty, see § 96.999

§ 96.044 NEW DRIVEWAYS THROUGH EXISTING CURB.

Where there exists curb and gutter in any street and the owner of property fronting the street desires to develop the lot or to add a driveway to a lot, then the owner shall make application to the City Manager for such a driveway, stating the requested size. Upon the approval of the City Manager, based on this chapter, the applicant shall be permitted to remove the existing curb and gutter and to install a driveway by the then existing standard plans of the city. If Public Works Department labor and supervision are available, then the property owner may contract with the city to cut and remove the curb for a cost equal to materials, labor and supervision.

(90 Code, § 18-30)

SIDEWALK IMPROVEMENTS

§ 96.055 WHEN REQUIRED.

(A) Any city street or thoroughfare which is improved by paving, curbing and guttering shall also be required to have constructed at the same time a sidewalk for pedestrian travel; provided, however, that if the City Council shall decide that a sidewalk will not be needed or is not advisable on any street, the requirements of this subchapter shall not apply.

(B) The fact that the required sidewalk will have no connections at any place with other paved sidewalks shall have no bearing on the enforcement of this subchapter.

(90 Code, § 18-36) (Ord. passed 5-10-77)

§ 96.056 ONE SIDE OF STREET.

Sidewalks, when required, shall be required only on one side of the street, which side shall be decided upon by the City Council.

(90 Code, § 18-37) (Ord. passed 5-10-77)

§ 96.057 CONSTRUCTION AT COST OF PROPERTY OWNERS.

Where a majority of the owners on one side of the street of any whole city block desire a sidewalk to be constructed at their cost and are willing to donate the necessary right-of-way if such is necessary, then the city shall contract to build a sidewalk.

(90 Code, § 18-38)

§ 96.058 PETITIONS.

Petitions for street improvements may include requests for sidewalk improvements in accordance with city specifications. The sidewalk improvements may be constructed as part of the street improvement project and in the same manner, except that 50% of the total cost of sidewalk improvements exclusive of the cost at intersections shall be assessed against the property owners.

(90 Code, § 18-39) (Ord. 66-3, passed 5-10-66; Ord. passed 2-13-73)

§ 96.059 STANDARDS OF CONSTRUCTION.

Sidewalks shall be constructed of an approved standard concrete with a minimum width of five feet and a minimum thickness of four inches, except across a driveway, in which case the minimum thickness shall be six inches. A dirt planting strip of three feet in width shall be reserved between the sidewalk and the back of the curb. Where no curb exists then there shall be set by the City Manager a distance away from the center of the street taking into consideration the probable width between curbs that the street will eventually be constructed depending on the amount and type of traffic.

(⁹⁰ Code, § 18-40) (Ord. passed 5-10-77)

§ 96.060 COST AMORTIZATION.

Amortization of the cost of construction of a sidewalk shall be upon the same basis as that for the improvement of the street next to the sidewalk.

(⁹⁰ Code, § 18-41) (Ord. passed 5-10-77)

STREET IMPROVEMENTS

§ 96.070 PETITION.

After May 10, 1966, the city will not consider paving or otherwise improving any street or alley unless a petition is presented to the City Council on forms provided by the city, signed by a majority of the property owners who represent a majority of the lineal footage on the street proposed to be improved, requesting that the total cost of the improvement be assessed against the abutting property owners as stipulated in this subchapter.

(⁹⁰ Code, § 18-46)

Statutory reference:

Petition required for special assessment, see G.S.

160A-217(a)

§ 96.071 DEFINITION.

For the purpose of this subchapter, the term STREET IMPROVEMENTS for all streets which shall be included in the property owners' petition, the cost of which shall be assessed against the abutting property owners, shall include the following:

- (A) Street paving in accordance with city specifications.
- (B) Grading as required by good engineering practices as determined by the Director of Public Services on all streets which need to be graded prior to improvement.
- (C) Base course material for the full width of the street to be constructed in accordance with city specifications.
- (D) Street surfacing according to city specifications for a full width of the street to be constructed.
- (E) Costs for construction of a street exceeding 31 feet in width as deemed appropriate by the City Council in the interest of the orderly and expeditious flow of traffic; the cost thereof shall be assessed in accordance with § 96.072.

(⁹⁰ Code, § 18-47)

Statutory reference:

Costs included, see G.S. § 160A-226

§ 96.072 ASSESSMENT POLICY.

Street improvements designated in § 96.071 to be assessed against property owners shall be assessed in the amount of 50% of the cost of the front foot benefit. This assessment shall be broken down to an equal share on either side of the street.

(⁹⁰ Code, § 18-48) (Ord. passed 2-13-73)

Statutory reference:

Basis for making assessments, see G.S. 160A-218

§ 96.073 PHYSICAL REQUIREMENTS.

No petition shall be considered for street improvements where streets have been opened after May 10, 1966 if the street is in violation of the subdivision ordinance. In addition, no petition shall be considered for a street less than one normal block in length.

('90 Code, § 18-49)

§ 96.074 PROJECT PROCEDURE.

(A) Upon the receipt of a petition for street improvements, the City Manager shall examine the petition and certify as to its sufficiency to the City Council.

(B) If the petition from the property owners is found to be sufficient, the City Council shall direct the City Manager to estimate the total cost of the street project in accordance with street specifications, to determine the cost per foot of property frontage and the total cost to the city for intersections, other improvements and the city's 25% of the front foot benefit.

(C) When cost estimates are received, the City Council shall consider the availability of funds for street improvements, the degree of development along the street proposed to be improved and any other factor deemed relevant to the health, safety and welfare of the citizenry, and may approve the street improvement project as they deem best.

(D) When a street improvement project is approved, the property owners abutting the improvement shall be notified of the total estimated cost per foot of frontage and further notified that each property owner has the opportunity to pay his or her 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 20% of the total estimated cost of the entire project is deposited with the city.

(E) When the required amount has been deposited with the city, the street improvement assessment procedure, as authorized in G.S. §§ 160A-223 through 160A-236, shall be followed and assessments shall be made against the properties abutting upon the improvement according to an equal rate per front foot. Property owners who have made a cash deposit in advance shall be credited for such payments on the assessment rolls. In accordance with the requirements 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 interest at a rate which shall be set from time to time by the City Council.

(F) If the actual cost of improvements is less than the estimated cost, the excess shall be refunded to the property owners. If 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.

('90 Code, § 18-50)

§ 96.075 INSTALLATION OF UTILITIES.

The City Council, prior to approving any project or authorizing any street improvement, shall determine if water and sanitary sewer facilities have been installed within that portion of the street located between curbs. If the facilities have not been installed, or if facilities are inadequate and will have to be replaced, the City Council may postpone the street improvement project, pending the installation of the facilities.

('90 Code, § 18-51)

§ 96.076 RESPONSIBILITY OF PROPERTY OWNERS.

(A) Driveway and apron. Property owners along streets which are surfaced and have curb and gutter are responsible for replacing any driveway within the street right-of-way as a

result of new street construction improvements. Driveway entrances and aprons at the curblineline will be constructed by the city at the location designated by the property owner and the total cost thereof will be included in the cost assessed for street improvements.

(B) Seeding, improving. 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.

(C) Drainpipes and the like. 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 or her disposition. The city will haul away such items if requested by the owner and with the owner's permission.

(^90 Code, § 18-52)

§ 96.077 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 specifications of the city which have been approved by the City Council. All work shall be done under the supervision of the City Manager.

(^90 Code, § 18-53) (Ord. 66-3, passed 5-10-66)

§ 96.078 OPENING AND IMPROVING STREETS WITHOUT PETITION.

When in the opinion of the City Council a new street should be opened or widened, extended, paved or otherwise improved, and no petition is filed asking for the assessment of the cost thereof, and when the City Council is of the opinion that the public benefit will be greater than the benefit to abutting property owners, the City Council may direct that the improvement be made and the total cost paid by the city.

(^90 Code, § 18-54)

Statutory reference:

Authority to open street or improve street, see

G.S. § 160A-296(a)(3)

Petition required in order to make assessment,

see G.S. § 160A-217

§ 96.079 RESURFACING IMPROVEMENTS.

Whenever it is necessary to resurface any street which has been surfaced under the provisions of this subchapter, the city will undertake the resurfacing when funds are appropriated, and the city shall bear the entire cost of the work.

(^90 Code, § 18-55)

§ 96.080 IMPROVEMENT BY OWNER.

(A) If a property owner desires to open a street on an existing or new right-of-way, the property owner shall have plans prepared to meet all city street construction requirements. The city shall approve the plans prior to construction.

(B) The property owner shall grade, pave, curb and gutter the street according to city standards, including storm drainage, before acceptance of the street by the city. City personnel shall inspect all phases of the work during construction.

(C) For good cause shown, the Council may waive curb and/or gutter requirements as in its discretion is deemed appropriate.

(^90 Code, § 18-56) (Ord. passed 11-8-83; Ord. passed 1-10-84)

PROPERTY NUMBERING SYSTEM

§ 96.090 MAP ADOPTED.

The property numbering map entitled, "The House Number and Tax Map of the City of Roxboro", dated May 10, 1966, is adopted as the official property numbering map of the city, and all property numbers assigned shall be assigned in accordance with this numbering map. No property numbers shall be used or displayed in the city except numbers assigned in accordance with the official numbering map. The property numbering map shall be kept on file in the office of the City Manager.

(90 Code, § 18-66)

§ 96.091 NUMBERING SYSTEM.

(A) On the property numbering map there shall be designated a north-south axis known as Main Street and an east-west axis known as Depot Street, Chub Lake and Court Streets. All avenues, streets or alleys running generally north and south shall be numbered from the Chub Lake-Court-Depot Street axis consecutively to the corporate limits or to the extremity of the avenue, street or alley. Avenues, streets or alleys running generally east and west shall be numbered from the Main Street axis in the same manner.

(B) One hundred numbers shall be allowed to each block generally, so that the number of each consecutive block shall commence with consecutive hundreds. In the event of an extremely long block of any street, alley or avenue, blocks shall be determined as nearly as possible to be of the same length as those on adjacent streets running in the same direction.

(C) One whole number shall be assigned for every 50 feet of property whether improved property or vacant lot on every street within the corporate limits, except in the area designated by the City Council as downtown business, in which one number shall be assigned for every 25 feet of property, whether improved or not. Even numbers shall be displayed on the north side of streets running east and west and on the east side of streets running north and south. Odd numbers shall be displayed on the opposite sides.

(90 Code, § 18-67)

§ 96.092 DISPLAY OF NUMBERS.

Every property owner of improved property shall, on or before October 1, 1966, display in a conspicuous place on the property the number assigned, which shall be of a type approved by the City Council. Upon notice by the City Clerk to any owner or occupant of any house or building, the owner or occupant, within ten days after the notice shall have been given assigning the house or building a number or numbers, shall cause the house or building to be numbered as required, at the expense of the owners or occupants.

(90 Code, § 18-68)

§ 96.093 NUMBERS FOR FUTURE BUILDINGS.

All residences and business buildings erected after May 10, 1966 shall be assigned a number in accordance with the numbering map and the owners thereof shall display the number.

(90 Code, § 18-69)

§ 96.999 PENALTY.

(A) Whoever violates any provision of this chapter for which no other penalty is provided shall be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$500, or imprisonment not to exceed 30 days, and each day that any of the provisions of this code of ordinances are violated shall constitute a separate offense. (G.S. § 14-4)

(B) If the violation of this chapter necessitates, in the opinion of City Council, repair, replacement or alteration of any part of any street or sidewalk, the cost of the repair, replacement or alteration shall be assessed against the property of the violator.