

## CHAPTER 98: STREETS AND SIDEWALKS

### Section

#### ***General Provisions***

98.01	Throwing or burning of trash on street prohibited
98.02	Tree trimmings
98.03	Snow and ice removal
98.04	Damages to bridges and culverts
98.05	Bicycle on sidewalks prohibited
98.06	Playing ball on sidewalks prohibited
98.07	House moving
98.08	Authority of police in special cases
98.09	Dust and mud on public streets and rights-of-way

#### ***Obstructions***

98.20	Assembly on sidewalk
98.21	Display of goods prohibited
98.22	Selling from booths, vehicles and the like on streets and sidewalks
98.23	Placing objects on streets and sidewalks
98.24	Obstructing streets and sidewalks
98.25	Construction near sidewalk
98.26	Encroachments on sidewalks and streets

#### ***Excavation and Repair***

98.40	Permit to dig in streets
98.41	Sidewalk construction
98.42	Street repair
98.43	Excavations; leaving unprotected
98.44	Streets not to be damaged
98.45	Damage to lights and signs

#### ***Street Cuts and Driveways***

98.60	Curbing installation, sidewalk or street paving
98.61	Driveways
98.62	Excavations
98.63	City indemnified
98.64	Insurance required

### ***Numbering of Buildings and Dwellings***

98.80	Numbering of buildings and dwellings
98.81	Naming of new streets and roadways

### **GENERAL PROVISIONS**

#### **§98.01 THROWING OR BURNING OF TRASH ON STREET PROHIBITED**

No paper, straw, lemon peel, banana peel, watermelon rind or any trash of any kind shall be thrown or swept upon any sidewalk or street of the City, nor shall any trash, refuse or rubbish be burned thereon.

('67 Code, Ch. D, Art. III, §1) Penalty, see §10.99

#### **§98.02 TREE TRIMMINGS**

It shall be unlawful for any person to place or allow to be placed any tree trimmings or shrubbery on any street or sidewalk.

('67 Code, Ch. D, Art. III, It shall be unlawful for any person to place or allow to be placed any tree trimmings or shrubbery on any street or sidewalk.

('67 Code, Ch. D, Art. III, §2) Penalty, see §10.99

#### **§98.03 SNOW AND ICE REMOVAL**

Every occupant of a store building in front of which the sidewalk is paved with stone, brick, asphalt or cement shall remove snow, ice or other obstruction from such sidewalk at the earliest possible time and as the weather permits.

('67 Code, Ch. D, Art. III, §3) Penalty, see §10.99

#### **§98.04 DAMAGES TO BRIDGES AND CULVERTS**

No person shall injure or misplace any part of any bridge, culvert, ditch and drain or other property belonging to or used by the City, or shall place any obstruction in any culvert, ditch or drain to prevent the free flow of water on or over the streets of the City.

('67 Code, Ch. D, Art. I, §7) Penalty, see §10.99

#### **§98.05 BICYCLE ON SIDEWALKS PROHIBITED**

It shall be unlawful for any person to ride a bicycle on any sidewalk in the City.

('67 Code, Ch. D, Art. III, §4) Penalty, see §10.99

***Cross-reference:***

*For additional provisions concerning bicycles, see Ch. 73.*

**§98.06 PLAYING BALL ON SIDEWALKS PROHIBITED**

No person shall play ball or bat or catch any ball on any of the streets of the City.  
(‘67 Code, Ch. D, Art. III, §5) Penalty, see §10.99

**§98.07 HOUSE MOVING**

No person shall move any house or building upon or across the public streets or sidewalks without the written consent of the City Council and the deposit of a reasonable bond as determined by the City Manager to cover damage done to such street or sidewalk or to any person.  
(‘67 Code, Ch. D, Art. I, §6) Penalty, see §10.99

**§98.08 AUTHORITY OF POLICE IN SPECIAL CASES**

The police officers of the city, county, state, and the National Guard of the state are hereby empowered in their discretion to close any streets in the City.  
(‘67 Code, Ch. I, Art. IV, §2) (Ord. passed 9-15-34)

**§98.09 DUST AND MUD ON PUBLIC STREETS AND RIGHTS-OF-WAY**

- (A) It shall be the responsibility of any property owner, contractor, and/or subcontractor to keep dust and/or mud from being brought from private or public property onto public streets and right-of-way in the City.
- (B) If a property owner, contractor, and/or subcontractor allows dust or mud to be brought onto public streets and rights-of-way, the property owner, contractor, and/or subcontractor shall have the sole responsibility and expense, to remove the dust and/or mud from the streets and rights-of-way.
- (C) If a property owner, contractor, and/or subcontractor is notified by the City Manager or his designee to remove the dust and/or mud, this removal must be completed on the day of notification.  
(Ord. passed 8-4-97) Penalty, see §10.99

***OBSTRUCTIONS***

**§98.20 ASSEMBLY ON SIDEWALK**

All persons are forbidden from assembling or collecting either on foot or in automobiles and standing so as to obstruct any sidewalk or street or so as to impede the passage of vehicles along the same and all persons so collecting and standing shall disperse and move upon the demand of any police officer.  
(‘67 Code, Ch. D, Art. II, §1) Penalty, see §10.99

**§98.21 DISPLAY OF GOODS PROHIBITED**

No person shall place for display or sale any goods, wares or merchandise of any kind upon any of the streets or sidewalks of the City which shall extend out on the street or sidewalk and which shall obstruct any of the streets or sidewalks; provided, this shall not be construed to prevent merchants making reasonable use of sidewalks and streets in receiving and shipping goods.  
(’67 Code, Ch. D, Art. II, §2) Penalty, see §10.99

**§98.22 SELLING FROM BOOTHS, VEHICLES AND THE LIKE ON STREETS AND SIDEWALKS**

No person shall stop or place any wagon or other vehicle, or erect any stand or booth on any of the streets or sidewalks of the City for the purpose of vending any goods, merchandise, produce, provisions or the like.  
(’67 Code, Ch. D, Art. II, §3) Penalty, see §10.99

**§98.23 PLACING OBJECTS ON STREETS AND SIDEWALKS**

No brick, stone or wood or other substances, objects or materials obstructing the free passage of person and vehicles shall be placed or suffered to lie in any of the alleyways, streets, sidewalks or other routes of the City, nor shall any person place on or in any of the streets, sidewalks or alleyways of the City any such substances, objects or materials or any boxes, crates, casks or barrels of any description, or any other obstruction of any kind; provided that any person erecting a building may, with permission of the City Manager or Building Inspector, place building material for immediate use on the streets in such a way as to not interfere with the usual traffic.  
(’67 Code, Ch. D, Art. II, §4) Penalty, see §10.99

**§98.24 OBSTRUCTING STREETS AND SIDEWALKS**

No person shall obstruct, dig, deepen or fill up any street, sidewalk, ditch or drain of the City, and no person shall obstruct the same with garbage, filth, trash or other things of offensive nature.  
(’67 Code, Ch. D, Art. II, §4) Penalty, see §10.99

**§98.25 CONSTRUCTION NEAR SIDEWALK**

Before building or remodeling at any place where the same is in close proximity to the sidewalk, a passageway shall be constructed so as to leave the sidewalk unobstructed and provide safe and easy passage. (’67 Code, Ch. D, Art. II, §5) Penalty, see §10.99

**§98.26 ENCROACHMENTS ON SIDEWALKS AND STREETS**

- (A) *Gates.* Any person who shall have upon his premises a gate so hung as to swing over or upon any sidewalk within the corporate limits of the City shall be guilty of a misdemeanor.
- (B) *Signs.* No person shall hereafter permanently erect or cause to be erected or place any signs, wood, cloth or metal or other material across any street or sidewalk in the City. All signs securely affixed to the building and shall not extend more than three feet over the sidewalk and shall be so arranged as not to obstruct the view or impede travel.
- (C) *Sheds and awnings.* No person shall erect or repair over any sidewalk or street any wooden shed or awning or any wooden shed for the support of any awning or erect upon any street or sidewalk any post for the support of any awning. If any person shall violate this division, then each day that the above forbidden structure shall remain after notice shall constitute a separate violation; provided that this shall not construed to prevent the erection over the sidewalk of cloth or metal awnings supported upon metallic frames fully suspended from the building, and at least seven feet above the level of the sidewalk; and provided that whenever such awning shall be supported by posts, the posts shall be of round iron or steel placed on the extreme inner edge of the sidewalk.  
(‘67 Code, Ch. D, Art. §1) Penalty, see §10.99

**EXCAVATION AND REPAIR**

**§98.40 PERMIT TO DIG IN STREETS**

It shall be unlawful for any person, firm or corporation for any purpose to dig hole, ditch or excavation of any kind whatsoever in, on, through or under any street or sidewalk in the City without first securing a permit therefore in writing from the City Manager.  
(‘67 Code, Ch. D, Art. I, §1) Penalty, see §10.99

**§98.41 SIDEWALK CONSTRUCTION**

No sidewalk of any description shall be built by an individual, firm or corporation of any brick, wood or other material without a written permit from the City.  
(‘67 Code, Ch. D, Art. I, §2) Penalty, see §10.99

**§98.42 STREET REPAIR**

It shall be the duty of every person, firm or corporation who shall open or dig a ditch, trench or hole in any street, public alley or sidewalk of the City to put the said street, public alley or sidewalk in a good condition in all respects as it was before, and every person, firm or corporation violating or failing to observe the provisions of this section shall be guilty of a misdemeanor.  
(‘67 Code, Ch. D, Art. I, §3) Penalty, see §10.99

**§98.43 EXCAVATIONS; LEAVING UNPROTECTED**

It shall be unlawful for any person, firm or corporation making any excavation for any purpose whatsoever in any of the streets or sidewalks to fail to securely cover such excavations with plank or place ropes around the same three feet from the ground, or to fail to place a sufficient number of red lights around such excavation before dark, and to keep such light burning all night every night such excavation shall be open.

('67 Code, Ch. D, Art. I, §4) Penalty, see §10.99

**§98.44 STREETS NOT TO BE DAMAGED**

It shall be unlawful for any person, firm or corporation to drag or run, or cause to be dragged or run any harrow or other implement, engine, machine or tool upon any asphalt, batholithic, warentite or other permanently paved street of the City which shall be liable, in any way to injure or cut the surface thereof. It shall also be unlawful to injure any dirt street in the same manner.

('67 Code, Ch. D, Art. I, §5) Penalty, see §10.99

**§98.45 DAMAGE TO LIGHTS AND SIGNS**

No person shall injure, tamper with, remove or paint upon or deface any sign, sign post, street light, traffic signal or bulletin board or other City property upon the streets and sidewalks, except employees of the City in performance of their duties.

('67 Code, Ch.D, Art.I, §8) Penalty, see §10.99

***STREET CUTS AND DRIVEWAYS***

**§98.60 CURBIN INSTALLATION, SIDEWALK OR STREET PAVING**

- (A) Except as otherwise provided in this section, no person may install any curbing or pave any sidewalk or street within the City without having obtained a written permit from the administrator.
- (B) Before granting a permit pursuant to this section, the administrator shall determine that the installation and paving shall be in accordance with the City's specifications.  
(Ord. 94-06, passed 6-11-94) Penalty, see §10.99

**§98.61 DRIVEWAYS**

- (A) Except as otherwise provided in this section, no person may open, construct, alter, or relocate any driveway across public sidewalk or into any street, or cut and curb for such purpose without obtaining a written permit from the administrator.

- (B) Any person who receives a permit under this section shall be responsible for repairing any damage to the sidewalk or street (including curb and gutter) caused by the driveway connection.
- (C) The administrator shall review the driveway construction and design plans and shall issue the permit unless he finds the driveway, if constructed as proposed, will substantially interfere with or pose a danger to persons using the street or sidewalk intersected by the driveway or public facilities (including utility poles, traffic signal standards, etc.) or will fail to comply with the specifications of the City or any of the provisions of this section.
- (D) No driveway may be constructed closer than three feet to a fire hydrant or catch basin or closer than 20 feet to the right-of-way line of a street that intersects with the street the driveway opens onto.
- (E) No driveway may be constructed closer than two and a half feet to a property line at the point where the property line intersects with the right-of-way line of a street that the driveway opens onto.
- (F) If the driveway crosses a drainage ditch on a lot that abuts a street without curb or gutter, then piping of sufficient size and strength (as approved by the administrator) shall be installed beneath the driveway surface so that the drainage capability of the drainage ditch is not materially impaired.
- (G) If the driveway crosses a drainage swale on a lot that abuts a street without curb or gutter, the driveway may conform to the contours of the drainage swale without compliance with division (F) (upon approval of the administrator) so long as the drainage capability of the drainage swale is not materially impaired.
- (H) Any person paving a private driveway that intersects with or opens onto a public street shall make the pavement of such driveway connect with and conform to the street and sidewalk cross sections in accordance with the specifications of the administrator.  
(Ord. 94-06, passed 6-11-94) Penalty, see §10.99

**§98.62            EXCAVATIONS**

- (A) Except as otherwise provided, no person may dig or excavate in any street or sidewalk within the City without having obtained a written permit from the administrator.
- (B) Any person who receives a permit in accordance with this section shall be responsible for putting the street or sidewalk where any excavation is made in as good condition as it was prior to the excavation.
- (C) Before granting a permit pursuant to this section, the administrator shall determine that the applicant has made arrangements to comply with division (B) above. The City may authorize the applicant to do the necessary repair work or have it done, but in all cases repairs shall be made in accordance with the City's specifications and at the expense of the applicant.

- (D) In the event that excavation repair work is performed by or under the direction of the applicant, such person shall fill the excavation and tamp the earth of such fill every six inches, to the surface of the street or sidewalk. If such excavation or fill should thereafter sink or recess below the surface of the street or sidewalk excavated, and the City should thereby be required to perform addition repair work, such work shall be done at the expense of and be charged to the applicant.  
(Ord. 94-06, passed 6-11-94) Penalty, see §10.99

**§98.63 CITY INDEMNIFIED**

Any person obtaining a permit authorized by §§98.60 through 98.62, agrees as a condition of the permit to indemnify the City for and hold the City harmless from any expense (including but not limited to attorney's fees, litigation costs and judgements) incurred as a result of claims made for damages arising out of operations by the permit recipient pursuant to the permit.  
(Ord 94-06, passed 6-11-94) Penalty, see §10.99

**§98.64 INSURANCE REQUIREMENTS**

Notwithstanding any other provision of this subchapter, the administrator may require that, before a permit is issued under §§98.60 through 98.62, the applicant or the person performing the work provide proof that he has in effect with an insurance company licensed by the insurance commission of this state public liability and property damage insurance in amounts determined by the administrator to be adequate to provide reasonable protection to persons and property; given the nature and location of the work proposed.  
(Ord. 94-06, passed 6-11-94) Penalty, see §10.99

***NUMBERING OF BUILDING AND DWELLINGS***

**§98.80 NUMBERING OF BUILDING AND DWELLINGS**

- (A) The owner of every building or dwelling shall affix the street number of the building or dwelling in a conspicuous place visible from the street. Each figure shall be at least three inches high. Such numbers shall also be placed against a contrasting background, or the letters themselves shall have reflective qualities. Should the number not be visible due to landscaping or other obstructions, or if the setback is greater than one-hundred (100) feet from the road right-of-way which fronts the structure, the assigned number should also be placed at or near the driveway which serves the structure.
- (B) In the case of new construction, a Gaston County Certificate of Occupancy shall not be issued until the building or dwelling is in compliance with this section, as determined by the Planned Department of the City.

- (C) It shall be unlawful for any person to fail to obtain such a number, to fail or refuse to affix the same in a proper size, to fail or neglect to display the same in a conspicuous place on a building or dwelling, a number that is assigned by the City.
- (D) No person may alter, deface, destroy or remove any number affixed in accordance with this section.
- (E) Any person who violates this section is subject to a civil penalty of \$50 for each violation. Upon a cited violation, a written civil citation shall be issued. The citation shall include the following:
  - (1) A description of the activities violating this section and a statement that the violator has 30 days in which to correct such violation(s) without penalty.
  - (2) A statement that if the violation is not corrected within 30 days after the date of service of the warning citation, the violator will be issued a second citation assessing him/her with the \$50 penalty for each violation.
  - (3) A statement that each day continued in violation shall be a separate and distinct offense.
  - (4) A statement that if the penalty or penalties are not paid within five working days after the date of service of the citation, the City Attorney will be instructed to commence a civil action to collect the penalty.  
(Ord. 98-03, passed 2-2-98)

**§98.81 NAMING OF NEW STREETS AND ROADWAYS**

- (A) The developer or owner of new streets or subdivisions, industrial/commercial parks, or other developments within the City having new streets or roadways shall submit to the Planning Department a map including:
  - (1) The location of all new streets/roadways associated with the development;
  - (2) The names of the streets/roadways affixed in the appropriate location;
  - (3) The location of lots, spaces or other divisions of land contiguous to the new street/roadway;
  - (4) A vicinity map showing the new street/roadway connection to the existing street/road network;
  - (5) Any other relevant information, as requested. See Chapter 3, Section 3.4(E) of Belmont Subdivision Ordinance.
- (B) Proposed street/roadway names which duplicates or are phonetically similar to existing names shall be rejected by the Planning Department and the developer notified, in writing,

of the rejection and specific cause for same. In the notification, the developer shall be requested to submit another name for consideration.  
(Ord. 98-03, passed 2-2-98)