

## ***Chapter 18 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES<sup>1</sup>***

### ***ARTICLE I. IN GENERAL***

#### **Sec. 18-1. Playing ball on streets or sidewalks prohibited.**

No person shall play ball on any of the streets or sidewalks in town.

(Prior Code, ch. IV, § 18)

#### **Sec. 18-2. 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 town, 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 town.

(Prior Code, ch. IV, § 6)

#### **Sec. 18-3. Damage to lights, signs, or fire hydrants.**

No person shall injure, tamper with, remove or paint upon or deface any sign, signpost, streetlight, traffic signal, fire hydrant, or bulletin board or other municipal property upon the streets and sidewalks except employees of the town in performance of their duties.

(Prior Code, ch. IV, § 7)

#### **Sec. 18-4. Sheds and awnings.**

No person shall erect or repair over any sidewalk or street any wooden shed or awning 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 section, then each day that the structure forbidden in this section shall remain after notice shall constitute a separate violation. This shall not be construed to prevent the erection over the sidewalk of cloth or metal awnings supported upon metallic frames firmly suspended from the building and at least seven feet above the sidewalk.

(Prior Code, ch. IV, § 12)

#### **Sec. 18-5. Placing objects on streets and sidewalks.**

No brick, stone, wood or other substances obstructing the free passage of persons and vehicles shall be placed to lie in any of the alleyways of the town. Any person erecting a building, may with permission of the town manager, place building material for immediate use on the streets in such a way as to not interfere with the usual traffic.

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<sup>1</sup>State law reference(s)—Establishment and control of streets by municipality, G.S. 160A-296.

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(Prior Code, ch. IV, § 10)

**Secs. 18-6—18-28. Reserved.**

## ***ARTICLE II. STREETS<sup>2</sup>***

### **Sec. 18-29. Application for opening new streets within the corporate limits.**

- (a) From and after the effective date of the ordinance from which this section is derived any property owner, owners, or developer desiring to have a new street opened through his or their property shall apply in writing to the town manager.
- (b) After application has been made for the opening of a new street or the opening of any extension of any existing street, such opening shall first be surveyed by the town's engineers or may be surveyed by the property owner at the town's discretion. The town's engineers shall make the specifications for the grading and the cost of the survey and grading shall be paid by the owner or owners of the property through which such street shall be opened. Such street shall be constructed according to the specifications of the town engineers and the state statutes at the expense of the applicant.

(Prior Code, ch. IV, § 19)

### **Sec. 18-30. Permit to dig in the streets.**

It shall be unlawful for any person, firm or corporation to dig any hole, ditch or excavation of any kind whatsoever, on any street in the town without first securing a permit in writing from the town manager.

(Prior Code, ch. IV, § 1)

### **Sec. 18-31. 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 town, to put the said street, public alley or sidewalk in as 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.

(Prior Code, ch. IV, § 3)

### **Sec. 18-32. 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 or any other surface of permanently paved street of the town 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.

(Prior Code, ch. IV, § 5)

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<sup>2</sup>State law reference(s)—Procedure for petition for street or sidewalk improvements, G.S. 160A-217.

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**Sec. 18-33. Railroad blockage.**

It shall be unlawful for any railroad company or employee or employees of any railroad company to block the street crossings of Ash, Pine, or Walnut Streets for a period longer than ten minutes at a time, under a penalty not to exceed \$50.00 for each offense.

(Prior Code, ch. IV, § 13)

State law reference(s)—Railroad obstructing highways, G.S. 136-192; authority regarding railroad crossings, G.S. 160A-298.

**Sec. 18-34. Throwing or burning trash on streets prohibited.**

No paper or trash of any kind shall be thrown or swept upon any sidewalk or street of the town, nor shall any trash, refuse, or rubbish be burned thereon.

(Prior Code, ch. IV, § 14)

**Sec. 18-35. Yard waste placed or burned on streets prohibited.**

No yard waste, including but not limited to grass clippings, leaves, tree trimmings, shrubbery trimmings, and other such debris and rubbish, shall be thrown or swept upon or otherwise placed on any sidewalk or street of the town, nor shall any such items be burned thereon.

(Res. of 9-4-2012)

**Secs. 18-36—18-56. Reserved.**

***ARTICLE III. SIDEWALKS***

**Sec. 18-57. Build or repair sidewalks.**

Any developer or landowner working on private property near town property who must break up the sidewalks for any reason will repair the sidewalks at the landowner's expense. The developer or landowner will have 30 days to replace the sidewalks at his expense. Individuals doing repairs or upgrades to their property that requires breaking up the sidewalk will be responsible for replacing the sidewalk at their expense within 30 days.

(Prior Code, ch. IV, § 22)

**Sec. 18-58. Sidewalk construction.**

No sidewalk of any description shall be built by any individual, firm or corporation person of any brick, wood or other material without a written permit from the town manager.

(Prior Code, ch. IV, § 2)

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**Sec. 18-59. Bicycles and skateboards on sidewalks prohibited.**

It shall be unlawful for any person to ride a bicycle or skateboard on any sidewalk in the central business district.

(Prior Code, ch. IV, § 17)

**Sec. 18-60. Snow and ice removal.**

Every occupant of a 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 soon as the weather permits.

(Prior Code, ch. IV, § 16)

**Sec. 18-61. Assembly on sidewalk.**

All persons are forbidden from assembling or standing so as to obstruct any sidewalk or street and all persons assembling and standing shall disperse and move upon the demand of any police officer.

(Prior Code, ch. IV, § 8)

**Sec. 18-62. Display of goods prohibited.**

No person shall place for display or sale any goods, wares or merchandise of any kind upon any of the sidewalks of said town, which shall extend out on the sidewalks, except with written permission of the town manager.

(Prior Code, ch. IV, § 9)

**Sec. 18-63. 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, providing safe and easy passage.

(Prior Code, ch. IV, § 11)

**Secs. 18-64—18-84. Reserved.**

***ARTICLE IV. VEGETATION ON PUBLIC PROPERTY***

**Sec. 18-85. Cutting trees.**

No one will be allowed to cut down nor have anyone cut down any tree or trees on town property without permission of the town manager. Unnecessary trimming of trees is prohibited.

(Prior Code, ch. IV, § 20)

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**Sec. 18-86. 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. Limbs to be picked up by town employees are to be placed between the sidewalk and the street. Limbs are to be cut in four-foot sections and shall not weigh more than 50 pounds before town employees pick the limbs up. Tree and shrub trimmings and other yard waste resulting from yard maintenance contractor shall be removed and disposed of by the contractor.

(Prior Code, ch. IV, § 15)

**Sec. 18-87. Trees or shrubs obstructing view of motorist.**

Any shrub or tree on the street property of the town located at any street intersection must be either trimmed or cut down in order that it will not obstruct the view of any motorist entering or leaving either street.

(Prior Code, ch. IV, § 21)

**Secs. 18-88—18-117. Reserved.**

***ARTICLE V. EXCAVATIONS***

***DIVISION 1. GENERALLY***

**Sec. 18-118. Leaving excavations 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 shall fail to place a sufficient number of red lights around such excavation before dark and to keep such lights around such excavation burning all night, every night such excavation shall be open.

(Prior Code, ch. IV, § 4)

**Secs. 18-119—18-149. Reserved.**

***DIVISION 2. DRAINAGE INSTALLATIONS***

**Sec. 18-150. Drainage pipe installation.**

No owner, occupant, tenant, or other similar person or entity (hereinafter referred to as "lot owner") shall dig, excavate or otherwise create a drainage ditch or install any drainage pipe for a driveway on any parcel of real estate with a single-family, two-family, townhouse or multifamily dwelling or any vacant parcel of real estate for which the town's zoning ordinance allows a single-family, two-family, townhouse or multifamily dwelling, except pursuant to the terms and conditions of this division.

(Prior Code, ch. IV, § 23)

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**Sec. 18-151. Letter of recommendation from engineer—Required.**

- (a) Any lot owner who desires to dig, excavate or otherwise create a drainage ditch or install a drainage pipe for a lot with a single-family, two-family, townhouse or multifamily dwelling or any vacant lot for which chapter 26, zoning, allows a single-family, two-family, townhouse or multifamily dwelling shall request from the town a letter of recommendation from an engineer designated by the town manager.
  - (1) The request for a letter of recommendation must be in writing and signed by the lot owner or the lot owner's agent.
  - (2) The town may charge the lot owner a fee for the letter of recommendation to cover the cost of the services of the designated engineer. The town manager shall inform the lot owner of the amount of this fee.
- (b) The town manager shall not request the letter of recommendation from the engineer until the lot owner has complied with all of the terms of subsection (a) of this section.

(Res. of 4-13-2009, § 1(A), (B))

**Sec. 18-152. Same—Contents.**

- (a) When the lot owner complies with all of the terms of section 18-151(a), the town manager shall request from the engineer a letter stating:
  - (1) That the adjacent properties will not be adversely affected;
  - (2) The size of the pipe to be installed;
  - (3) The necessary materials to be used in the installation of the drainage pipe, including but not limited to, pipe drop inlets, curb inlets, junction boxes, flared and end sections, rubber gaskets, stone and fill material;
  - (4) The dimensions of the easement to the town for the installation and maintenance of the drainage pipe; and
  - (5) Any other recommendations which the engineer determines to be relevant to the installation of the drainage pipe.
- (b) Within a reasonable amount of time, the engineer shall hand deliver or mail by first class mail the letter of recommendation to the town manager and to the lot owner.

(Res. of 4-13-2009, § 1(C), (D))

**Sec. 18-153. Installation requirements; easement agreement.**

- (a) Upon receipt of the letter of recommendation from the engineer, the lot owner shall inform the town manager in writing of the lot owner's intention to install or not install the drainage pipe.
  - (1) If the lot owner does not inform the town manager in writing of the lot owner's intention to install the drainage pipe within 60 days of the date of the letter of recommendation, then and in that event, the letter of recommendation shall be void and the lot owner must make a new request and pay a new fee if the lot owner desires to install a drainage pipe.
  - (2) If the lot owner informs the town manager in writing of the lot owner's intention to install the driveway pipe, the lot owner shall:

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- a. Obtain, at the lot owner's expense, all of the required materials to be used in the installation of the drainage pipe as set out in the letter of recommendation, including but not limited to, pipe drop inlets, curb inlets, junction boxes, flared and end sections, rubber gaskets, stone and fill material;
  - b. Sign a statement conveying all of the lot owner's right, title and interest in and to all of the materials described in subsection (a)(2)a of this section; and
  - c. Convey an easement to the town over and across that portion of the lot owner's property as set out in the letter of recommendation. The lot owner may execute an easement agreement prepared by the town attorney or an attorney retained at the lot owner's expense.
    1. If the lot owner decides to execute an easement agreement prepared by the town attorney, the lot owner shall inform the town manager and pay the town the attorney's fee for the preparation of the easement agreement and the fee for recording the easement agreement with the county register of deeds. The town manager will obtain the easement agreement from the town attorney. The town manager will coordinate the execution of the easement agreement with the lot owner and the town attorney.
    2. If the lot owner decides to retain an attorney at the lot owner's expense, the lot owner shall so inform the town manager and pay the fee for the town attorney to review the easement agreement and the fee for recording the easement agreement with the county register of deeds. The lot owner's attorney shall submit to the town manager or to the town attorney the proposed easement agreement. Upon the written approval of the proposed easement agreement by the town attorney, the lot owners or the lot owner's attorney shall submit to the town manager or the town attorney the executed easement agreement.
    3. Before the town begins the installation of the drainage pipe, the executed easement agreement must be recorded by the town manager or the town attorney with the county register of deeds.
- (b) When all of the requirements of subsection (a)(2) of this section have been met, the town shall install the drainage pipe. The town may install the pipe with the services of the town's employees or the services of a third-party paid by the town. The installation of the drainage pipe shall be completed 60 days from date of the fulfillment of all of the requirements of subsection (a)(2) of this section.

(Res. of 4-13-2009, § 1(E, F))

### **Sec. 18-154. Owner to keep ditches and pipes clear of obstruction.**

- (a) The lot owner, the lot owner's successors and assigns, and any other persons or entities who own the property after the lot owner, shall take reasonable steps to keep the drainage ditch and drainage pipe clear of any obstructions.
- (b) The lot owner, the lot owner's successors and assigns, and any other persons or entities who own the property after the lot owner, shall not take any action or allow any person to take any action which would obstruct the drainage ditch or damage the drainage pipe or other materials installed by the town.

(Res. of 4-13-2009, § 1(G, H))

### **Sec. 18-155. Maintenance by the town.**

- (a) Pursuant to the above-referenced easement agreement, the town may, in the town's sole discretion, go onto the property of the lot owner to repair, replace or otherwise maintain the drainage pipe or other materials installed by the town.

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- (b) If after consulting with the town's engineer, the town manager determines that the drainage pipe and/or materials installed by the town are causing drainage or other problems to the adjacent properties sufficient to warrant the removal of the drainage pipe and/or the materials installed by the town, the town manager shall inform the current owner of the lot of the town's intention to remove the drainage pipe and/or materials installed by the town. Within a reasonable amount of time, the town shall remove the drainage pipe and/or materials causing the problem. The removed drainage pipe and/or materials shall be the property of the town and shall be discarded by the town.
- (c) This division shall not apply to any ditches or drainage pipes located on property owned or occupied by the town.

(Res. of 4-13-2009, § 1(I)—(K))

**Secs. 18-156—18-178. Reserved.**

## ***ARTICLE VI. PUBLIC PROPERTY***

### ***DIVISION 1. GENERALLY***

**Secs. 18-179—18-209. Reserved.**

### ***DIVISION 2. COMMUNITY BUILDING***

**Sec. 18-210. Rules for use.**

The rules of use for the community building are kept on file in the office of the town clerk. The board of commissioners or the town manager has the right to amend the rules of the community building at any time. No dances are allowed at the community building for any reason.

(Prior Code, ch. X, art. A, § 11)

**Secs. 18-211—18-228. Reserved.**

### ***DIVISION 3. TOWN CEMETERIES<sup>3</sup>***

**Sec. 18-229. General duties.**

It shall be the duty of the town manager to supervise the cemeteries of the town and to have the same kept in good order and worked and cultivated as provided in this division.

(Prior Code, ch. XII, § 1)

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<sup>3</sup>State law reference(s)—Cemeteries, G.S. 160A-349.1 et seq.



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### **Sec. 18-230. Burials.**

- (a) No person shall bury or cause to be buried any dead human body in any place within the town limits other than in one of the established cemeteries. Those cemeteries are Meeks Cemetery and Oakdale Cemetery.
- (b) All bodies shall be properly interred.
- (c) No person shall disinter the remains of any human body buried within the town limits without first consulting the county health department, the town manager, and the family of the body to be disinterred. No human body may be disinterred at either of the town cemeteries except an employee of the town or an employee contracted by the town, unless the town manager authorizes in writing a third party to perform said disinterment. If a body is to be disinterred at either of the town's cemeteries, vital effort must be made to contact a member of the deceased's family. All disinterments from the town cemeteries shall be performed pursuant to the state statutes. It shall be the responsibility of the person, firm or corporation requesting the disinterment to comply with said statutes.
- (d) All graves will be opened and closed by an employee of the town, or an employee contracted by the town at a price determined by the town. See the current fee schedule on file in the town clerk's office for updated fees.
- (e) Tents shall be furnished by the funeral home conducting the deceased's burial service.
- (f) Before any grave is opened, the location must be verified by a town official.

(Prior Code, ch. XII, § 2)

### **Sec. 18-231. Grave markers.**

- (a) Marker sites must be approved by the town manager before placement.
- (b) Markers must be placed at the head of the gravesite.
- (c) Wording on markers must face the gravesite.
- (d) All markers installed must be placed upon a foundation. Any previously installed markers may be placed upon a foundation at a cost as provided on the fee schedule in the office of the town clerk, plus the cost of the foundation.

(Prior Code, ch. XII, § 3)

### **Sec. 18-232. Sale of lots.**

#### **Sec18-232 - Sale of lots or spaces.**

- (a) From and after the date of the adoption of the ordinance from which this division is derived, the town shall issue easements to burial spaces or sections in the cemeteries instead of deeds.
- (b) The town shall have the power to make easements for lots in the public cemeteries of the town at prices prescribed in the fee schedule set by the board of commissioners. Easements for the cemetery lots shall be executed by the town manager and no easement shall be delivered until the town has received in full the fee for the easement.
- (c) Nonresidents of the town shall be required to pay a purchase price per easement in excess of the price established for residents, such excess price to be prescribed by the board of commissioners in the fee

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schedule. A nonresident is someone who does not reside in the corporate limits of the town and does not pay ad valorem (property) taxes.

(d) The sale of lots will only be permitted in approved sections of the cemetery that already have lots drawn. Lots are not to be sold in the walkways.

(f) A cemetery easement, identifying the purchaser and the specific lots or spaces to which the easement applies, shall be issued to the person who purchases a cemetery lot or space in accordance with this section. This easement entitles the purchaser to use the designated lot or space as a place of burial, subject to the terms and conditions of this article and subject to the town's authority to operate, regulate, control and abandon cemeteries.

### **Sec. 18-233. – Easement transfers.**

(a) The purchaser of a cemetery lot or space may not transfer the lot or space.

(b) The owner of a cemetery lot or space may permit any person he designates, in writing, to be buried in the space described in the cemetery easement.

(c) Upon the death of the owner of a cemetery lot or space, the owner's heirs, legatees or devisees shall succeed to all rights evidenced by the cemetery easement.

(d) Unused burial spaces. Any unused burial spaces remaining vacant for 99 years from the date of sale shall and without a designated heir, legatee, or devisee shall automatically revert to the Town. The Town may then exercise the option to resell the burial space.

### **Sec 18-236. - Speculation in cemetery lots or spaces.**

(a) No person may purchase or otherwise acquire any cemetery lot or space for the purpose of sale or exchange.

(b) No person may sell or exchange any cemetery lot or space for a profit or gain.

(Prior Code, ch. XII, § 5)

### **Sec. 18-234. Arrangements in the cemeteries.**

(a) The placing of vases, shells, toys, metal designs, ornaments, chairs, settees, glass, crockery, wood or iron cases, and similar articles and materials hazardous to lawn mowers shall not be permitted, and if so placed, the town reserves the right to remove same.

(b) No holes are to be dug in the ground.

(c) Only one flower arrangement will be allowed per gravesite at any time. See subsection (h) of this section for flowers for funerals.

(d) The town reserves the right to remove any arrangement or container that is considered unsightly or inappropriate.

(e) No arrangements over 48 inches are allowed.

(f) The town is not responsible for loss, theft, or damage to flower arrangements or containers.

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- (g) No trees, shrubs, flowers, or other plants are to be planted in the cemeteries other than by town employees.
  - (h) After funeral services, flowers placed on graves for the purpose of a service must be removed within two weeks of the date of the service.
  - (i) No fences are to be erected in the cemeteries.

(Prior Code, ch. XII, § 6)

### **Sec. 18-235. Cemetery clean up.**

Quarterly, town employees and volunteers will go through both cemeteries cleaning off grave sites of old, faded, wilted flowers and arrangements. Any flowers or arrangements that have blown off of any grave will be treated as garbage and will be hauled away with other garbage. The town will publish notice of each quarterly clean up in the Spring Hope Enterprise and on the bulletin board in the town hall.

(Prior Code, ch. XII, § 7)