

TITLE 3

Public Works

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CHAPTER 1

Streets and Sidewalks

State Law Reference: Establishment and control over municipal streets, G.S. 160A-296.

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ARTICLE A

Acceptance and  
Improvement of Public Streets

Sec. 3-1-1 Board approval of new streets.

Before any new street offered for dedication to the town is accepted as such, and officially recognized as a town-maintained street, the board must give its approval, finding that (i) the street complies with engineering standards set by the board, and that (ii) the best interests of the town would be served by accepting the street as a town street.

Secs. 3-1-2 through 3-1-20 reserved.

ARTICLE B

Excavation and Repair

Sec. 3-1-21 Excavations; permit required.

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 some officer of the town vested with proper authority; provided, that a permit shall not be required where the work is performed under a contract with the town, but in the event the work requires a sidewalk or street to be wholly or partially obstructed, the party performing the work shall notify the town at least two (2) hours before obstructing the sidewalk or street, unless prevented by sudden emergency.

Sec. 3-1-22 Same; application for permit; fees.

All persons desiring a permit to make an opening in any street or sidewalk, as set forth in section 3-1-21, 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. A fee may be required by the board for such permit.

Sec. 3-1-23 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 of the town.

Sec. 3-1-24 Excavations; leaving unprotected.

It shall be unlawful for any person, firm or corporation who obtains a permit under the sections of this article 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 (3) feet from the ground and signal lights or other warnings at, in or around the same, sufficient to warn the public of the excavation or work, and to protect all persons using reasonable care from injuries on account of the excavation or work.

Sec. 3-1-25 Streets not to be damaged by tractors or harrows.

(a) 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 other type of permanently paved street of the town which shall be likely in any way to injure or cut the surface thereof.

(b) Any person violating subsection (a) shall be liable to the town for the cost of repairing any and all damage caused.

Cross Reference: Injury to public property generally prohibited, Sec. 6-6-3; municipal property, Sec. 3-1-28.

Sec. 3-1-26 Sidewalk construction.

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

Sec. 3-1-27 House moving.

No person shall move any house or building upon or across the public streets or sidewalks without the written consent of the board and the deposit of a good and sufficient bond to cover damage done to any street or sidewalk or to any property of any person.

Sec. 3-1-28 Damage to municipal property.

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

Sec. 3-1-29 Driveways; permit required.

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 by the town.

Sec. 3-1-30 Drainage ditch obstructions; driveways.

(a) It shall be unlawful for any person, firm or corporation to fill, pack, or obstruct any drainage ditch, creek or gutter which was constructed or is maintained by the town for the purpose of storm water drainage.

(b) Any person, firm or corporation desiring to construct a driveway across such ditch, creek or gutter may apply to the town pursuant to section 3-1-29 and request that the town install adequate piping or culverts, at town expense, if the person so requesting pays the actual cost of pipe or culvert and materials.

## CHAPTER 2

### Garbage and Refuse Collection and Disposal

State Law Reference: Regulation of trash and garbage, G.S. 160A-192.

- § 3-2-1 Definitions.
- § 3-2-2 Refuse required to be deposited in approved containers.
- § 3-2-3 Burning or burying garbage and refuse regulated.
- § 3-2-4 Accumulation of garbage and refuse prohibited.
- § 3-2-5 Containers required.
- § 3-2-6 Pre-collection practices.
- § 3-2-7 Collection schedule.
- § 3-2-8 Unlawful to displace containers.
- § 3-2-9 Special or bulk collections regulated.

#### Sec. 3-2-1 Definitions.

For the purpose of this chapter certain terms and words are defined as follows:

(1) Building material scraps. Scrap building material from the construction, reconstruction, remodeling or repair of a building, walkway, driveway, sign and other structure, including but not limited to, excavated earth, tree stumps, rocks, gravel, bricks, plaster, concrete, lumber or any other similar material used in construction or the containers or wrappings therefor.

(2) Garbage. All putrescible wastes, including animal and vegetable matter, animal offal and carcasses, and recognizable industrial byproducts but excluding sewage and human wastes.

(3) Refuse. All nonputrescible wastes.

(4) Solid waste. Garbage, refuse, rubbish, trash, and other discarded solid materials, including "solid waste" materials resulting from homes, businesses, industrial, commercial, and agricultural operations, and from community activities, but does not include solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.

(5) Tree trimmings. Tree limbs, leaves, shrubbery, weeds, plants or grass.

#### Sec. 3-2-2 Refuse required to be deposited in approved containers.

It shall be unlawful for any person to throw, place or deposit any garbage or refuse of any kind on any public or private property except in approved containers or as otherwise provided in this chapter.

Sec. 3-2-3 Burning or burying garbage and refuse regulated.

It shall be unlawful to burn or set fire to any garbage for the purpose of disposal. In addition, it shall be unlawful to bury any refuse for the purpose of disposal unless a permit therefor has been granted by the appropriate State and County Authorities, and the Town Clerk.

Editorial Note: Extensive state regulations are in effect with respect to the open burning of trash and refuse; see Dept. of Environmental Management; Regulations Governing the Control of Air Pollution.

Sec. 3-2-4 Accumulation of garbage and refuse prohibited.

All garbage and refuse shall be collected and placed in containers as required by this chapter, and it shall be unlawful for any person to permit garbage, refuse, building materials, scraps, solid waste, or tree trimmings to accumulate or remain on any premises longer than is reasonably necessary to remove and deposit same in approved containers as required herein.

Sec. 3-2-5 Containers required.

The occupant of every building or premises where garbage and refuse does or may exist shall provide containers made of substantial galvanized iron, plastic, rubber or other non-rusting material in which shall be deposited all garbage and refuse existing at such building or premises. Each container shall be provided with handles or bails and with a tight fitting cover made of the same material as the container. All containers shall be watertight and they shall be of a size that can be conveniently handled by the collectors, and no containers shall be more than 30 gallons in capacity nor measure over 22 inches in diameter or 30 inches in height. All containers shall be kept in a reasonably clean condition.

Sec. 3-2-6 Pre-collection practices

All garbage and refuse shall have the liquid drained therefrom and shall be wrapped in paper or other like material before it is placed in the container for collection. Ashes and cinders shall be placed in a separate container provided for that purpose and no ashes shall be deposited in any container until they are cold. Containers which fail to have a cover as required in section 3-2-10 reserved for recycling ordinance, or which have become rusted or broken and therefore are unable to contain garbage and refuse in a satisfactory manner shall not be used.

Sec. 3-2-7 Collection Schedule

Garbage and refuse will be collected by the town according to a collection schedule maintained in the clerk's office. Such schedule may be periodically revised and amended by action of the board.

Sec. 3-2-8 Unlawful to displace containers

It shall be unlawful for any person to damage, displace, or to otherwise interfere with garbage containers or their contents except the owner or upon permission or at the request of the owner.

Sec. 3-2-9 Special or bulk collections regulated

(a) No bulk trash, tree limbs, shrubbery cuttings, leaves and other refuse will be collected without special charge unless such refuse can be placed in regulation type garbage cans.

(b) Any property owner desiring special bulk collections of loose matter not in closed containers or tied in bundles may request a special collection for which a special charge will be made. If sufficient manpower and equipment are available, town personnel are authorized to make such special collections, provided the person making the request agrees to pay for the labor and equipment used at the rate specified by the town.

(c) No collection shall be made from vacant lots nor shall any large rocks, tree trunks, tree stumps, tree limbs of more than six (6) feet in length or other heavy objects be collected by the town. No waste building materials or lot clearings shall be collected from houses or other structures under construction or recently complete.

(d) Material to be collected by special collections shall be placed in neat piles and so located that such refuse can be easily loaded on trucks for disposal.

Sec. 3-2-10 Reserved for Recycling Ordinance