

## CHAPTER 7

### STREETS

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## Article I

### Construction, Encroachments

#### § 7-101 New streets.

Proposed new streets shall be reviewed, approved, named, constructed, and maintained pursuant to the town land development regulations contained in a separate ordinance.

#### § 7-102 Regulation of use of streets.

Town council by resolution shall approve regulations for use of public streets, traffic control, and parking.

#### § 7-103 Excavation; temporary encroachment; insurance.

It shall be unlawful for any person to perform an activity which involves excavation, encroachment, temporary use or disruption of a street or public place under control of the town without a permit from the town administrator and the Department of Transportation when required. As a condition for the issuance of a permit, the applicant shall be required to indemnify the town against all claims resulting from the permitted activity. The indemnification shall be assured by one of the following:

- (a) An owner's and contractor's protective liability policy and a separate general liability policy naming the town as an additional insured, each in an amount not less than \$500,000 per occurrence combined single limit for bodily injury, personal injury, and property damage with an aggregate liability not less than \$1,000,000; or
- (b) A general liability policy naming the town as an additional insured in an amount not less than \$500,000 per occurrence and \$5,000,000 aggregate combined single limit for bodily injury, personal, injury, and property damage; or
- (c) An indemnity surety bond in an amount not less than \$2,500,000, approved as to surety and form by the town attorney.

The town administrator may require additional coverage for an activity which poses an unusual hazard or danger to the public. An insurance policy furnished pursuant to this

section shall provide for notice to the town at least 30 days prior to cancellation, termination, or modification of the coverage for the town. This section shall apply to contractors performing work under contract with the town or any other governmental entity.

§ 7-104 Continuing encroachment.

A continuing encroachment into, over or under a street or public property shall be authorized only by ordinance adopted after a public hearing. Indemnification and insurance requirements of § 7-103 and applicable requirements of the Department of Transportation shall apply to continuing encroachments.

§ 7-105 Excavation standards; safety devices.

(a) It shall be unlawful for any person to fail to maintain adequate safety barricades, guards, fences, signs, signals, lights, covers or other safety devices around a permitted excavation in a street or public place.

(b) It shall be unlawful for any person given a permit for excavation in a street or public property to fail to restore the surface of the street or property within a period of 72 hours. Streets shall be restored to standards of the Department of Transportation.

(c) It shall be unlawful for any person to fail to repair within 72 hours of notification a surface restoration which fails within one (1) year after completion of a permitted excavation.

(d) It shall be unlawful for any person to tamper with, remove or damage any warning or safety device at an excavation in a street or public place.

§ 7-106 Underground utilities.

It shall be unlawful to install underground utilities, communication, or cablevision lines in the public streets within two feet of any utility pole, except poles to which connections are made, without a permit from the town administrator which shall be granted only upon a showing of necessity and compliance with applicable safety standards.

§ 7-107 Curb cuts.

It shall be unlawful for any person to remove or cut any street curb, or to install any entrance to property from a street without a permit from the town administrator.

## Article II

### Advertising

#### § 7-201 Painting on streets.

It shall be unlawful for any person to paint, print or otherwise place commercial advertising or non-commercial markings on the surface of any public street, except authorized traffic control markings.

#### § 7-202 Signs in streets.

It shall be unlawful for any person to place any sign, banner, poster, placard, notice, picture, circular, or other device on public property in the town without a permit from the town council.

#### § 7-203 Signs on private property.

It shall be unlawful for any person to place any advertisement, notice or sign of any nature on private property without the consent of the owner or lessee of the property.

#### § 7-204 Signs; distance from streets.

(a) It shall be unlawful for any person to place any sign or signboard not attached to a building nearer than ten (10') feet to the street right of way.

(b) It shall be unlawful for any person to place any sign which overhangs the street right of way without a permit from the town administrator. A permit may be issued for an on premises advertising sign which is at least eight feet above the surface of the sidewalk and which does not extend more than five feet into the street right of way. No permit shall be issued for a sign which overhangs any portion of the right of way used for vehicles. Signs shall meet requirements of the building code and zoning ordinance.

#### § 7-205 Distribution of handbills.

(a) It shall be unlawful for any person to distribute in any manner any commercial handbill in or upon any sidewalk, street, median, park or other public place.

A commercial handbill is defined as any printed or written matter, device, sample, photograph, emblem, dodger, circular, leaflet, pamphlet, booklet,

original or copy of any matter of literature which advertises merchandise for sale or lease, or which directs attention to a commercial activity, excepting newspapers of general circulation or mail.

(b) It shall be unlawful for any person to distribute any non-commercial or commercial handbill as defined in (a) upon any private premises if requested by anyone thereon not to do so, or if there is a notice posted indicating a desire for privacy.

## Article III

### Unlawful Acts

#### § 7-301 Littering.

It shall be unlawful for any person to deposit any confetti, paper, container, waste, or rubbish of any kind upon any sidewalk, street, park or public place, vehicle, or private premises in the town, except in designated litter receptacles.

#### § 7-302 Transporting loose material.

It shall be unlawful for any person to transport any loose material on town streets unless the material is covered and secured in a manner to prevent littering.

#### § 7-303 Damaging public property.

It shall be unlawful for any person to damage or deface public streets, sidewalks, bridges, parks, public places, lights, signs, traffic control devices, markers, monuments, barricades, trees, plants, buildings, recreation facilities or any other public property.

#### § 7-304 Obstructions; affecting public use.

It shall be unlawful for any person to obstruct any street or sidewalk in any manner, or to adversely affect or interfere with public use of streets in any manner without a permit or direction by an officer, including the following:

- (1) Maintain a door or gate which swings into the street right of way;
- (2) Engage in games or activities in a street without a permit;
- (3) Spilling or draining water, oil or other liquids onto a street;
- (4) Burning any material in a street;
- (5) Depositing wood, glass, metal, masonry, soil, rock, minerals, garbage, trash, waste, or any material which produces a hazard to safety in a street;
- (6) Operating or parking a vehicle in an unauthorized manner or place on a street;
- (7) Placing goods, wares, or merchandise for sale in a street without a permit;
- (8) Congregating, assembling, or standing in a manner which obstructs or hinders free passage of pedestrians or vehicles; or
- (9) Engaging in conduct or using language which is offensive, annoying or disturbing to other persons using the streets.

§ 7-305 Removal of obstructions.

(a) Any officer or employee of the town may immediately remove from a street right of way any unauthorized obstruction to pedestrian or vehicle movement, or any object which is a safety hazard.

(b) It shall be unlawful for any person, owner or occupant, ten (10) days after written notice from the town administrator, to fail to remove from private property an object, tree or plant which overhangs the street or sidewalk in a manner which interferes with movement of pedestrians or vehicles, or which obstructs the view of pedestrians or operators of vehicles at intersections, interferes with safe and orderly movement of traffic, or creates a dangerous condition. Upon failure of the owner to comply with the notice, the town administrator may remove the objects, trees or plants, and the cost of removal shall be a lien on the property and shall be added to the town taxes on the property.

§ 7-306 Use of water from fire hydrants.

It shall be unlawful for any person to use water from a fire hydrant in the town without written approval of the county fire chief.

§ 7-307 -- 308 Reserved.

§ 7-309 Drainage into streets.

It shall be unlawful for any person to divert or drain water from any source into a street without a permit from the town administrator for connection to an approved drainage system at the expense of the applicant.

§ 7-310 Obstruction of drains.

(a) It shall be unlawful for any person to obstruct any drain, ditch, pipe, channel, stream, gully, or watercourse in the town.

(b) It shall be unlawful for any person owning or controlling property on which there exists an open drain, ditch, channel, stream, galley, or watercourse to fail to keep it clear of growth, debris, and obstructions, or fail to promptly drain standing pools formed by overflow or flood.

## Article IV

### Franchises and Licenses

#### § 7-401 Utility and cable franchises.

It shall be unlawful for any person to install or maintain in, on, above, or under any street or public place any line, pipe, cable, pole, structure, or facility for utilities, communications, cablevision, or other purposes without a franchise or license issued by town council pursuant to § 1-404 of this Code. The franchise ordinance shall prescribe the duration, town fees, and conditions for the use of streets by the franchisee.

#### § 7-402 Bus franchises.

It shall be unlawful for any person to operate a bus system upon the streets of the town without a franchise or license issued by town council pursuant to § 1-404 of this Code. The franchise ordinance shall prescribe the duration, town fees, conditions for the use of streets by the franchisee, and any other matters not regulated by the Public Service Commission.

#### § 7-403 Taxicab and limousine licenses.

It shall be unlawful for any person to operate a taxicab or limousine service on the streets of the town without a license issued by town council pursuant to § 1-404 of this Code. The ordinance shall prescribe the duration, town fees, conditions for the use of streets by the licensee, standards for vehicles, qualifications for operators, insurance, maximum fares for customers, and any other matters not regulated by the Public Service Commission.

## Article V

### Wrecker Service

#### § 7-501 Unlawful solicitation.

(a) It shall be unlawful for the owner or agent of any wrecker or towing service to go to the location of an accident, a damaged or disabled vehicle for the purpose of soliciting business unless called by the police dispatcher, the owner or operator of a damaged or disabled vehicle. Going to a location by reason of information received by monitoring police radio is a violation of this section.

(b) It shall be unlawful for any person to drive or park on any street or public place for the purpose of soliciting wrecker or towing business.

(c) It shall be unlawful for any town employee to solicit business for or suggest the use of any wrecker or towing service. Violation of this section may result in discharge from town employment.

#### § 7-502 Selection of wrecker service.

The owner or operator of a disabled vehicle may request the police department to call any wrecker service of his choice to tow the vehicle. If the owner or operator makes no selection of a specific wrecker service, the police dispatcher is authorized to call the next wrecker service listed on the police department rotating wrecker service list.

#### § 7-503 Reserved.

#### § 7-504 License required.

Any person engaging in a wrecker or towing business in the town shall obtain a business license. The business license application shall include the hours of operation, the number and description of wreckers or towing trucks used in the business, the name of the owner and identification number for each vehicle, the location from which vehicles will be dispatched, the business telephone number, and such other information as may be deemed necessary by the license official or police chief.

§ 7-505 Quarterly inspections.

All vehicles and equipment used for wrecker or towing services in the town shall be subject to quarterly safety inspection and approval by the police chief.

§ 7-506 Debris removal required.

It shall be unlawful for the operator of any wrecker or towing vehicle, prior to leaving the location from which a vehicle is to be towed, to fail to remove from the street all parts, glass and debris from a vehicle to be towed.

§ 7-507 Rotation list.

The chief of police shall maintain a rotation call list for qualified wrecker services licensed in the town. Any licensed wrecker service which meets the requirements of this Article, including the following requirements, may apply for a contract to be placed on the rotation list.

- (1) The wrecker service must provide towing service twenty-four (24) hours per day, seven (7) days per week from a location in or near the town.
- (2) The wrecker service shall respond to a police department call for towing at any time. Failure to respond without reasonable cause as determined by the police chief shall result in removal from the rotation list.
- (3) Each towing unit shall be not less than one ton in size with dual rear wheels, a power operated winch and boom, a lifting capacity of not less than eight thousand pounds, a wheel lift or sling, towing dollies, safety chains, fire extinguisher, wrecking bar, broom, shovel, and approved warning devices. The police chief may require additional safety equipment to be specified in the rotation list contract.
- (4) The wrecker service shall maintain a safe storage area for all vehicles towed in a locked building or a secured fenced area not accessible to the public.
- (5) Each vehicle used for towing shall have a towing log maintained by the operator which shall accurately reflect all towing done at the request of the police department. The form of the log shall be approved by the police chief.

(6) Each vehicle used for towing shall have a sign painted or affixed to a door on each side displaying the company name, address, and telephone number in plainly visible letters of contrasting color with the vehicle not less than two (2) inches in height. If the vehicle is registered in a name other than that of the company, the name of the owner must be displayed in letters not less than one (1) inch in height.

(7) A wrecker service on the rotation list shall carry public liability and property damage insurance, including the town as an insured, with the following minimum provisions and limits:

- (a) For damages arising out of bodily injury or death of one person in one incident, \$100,000;
- (b) For damages arising out of bodily injury or death of two or more persons in any one incident, \$300,000;
- (c) For injury to or destruction of property in one incident, including garage keeper's coverage, \$50,000;
- (d) The coverages in (a), (b), and (c) shall also apply to damages caused by vehicles in tow, under the possession of, or in control of the wrecker service; and
- (e) Every policy shall contain a provision for 30 day notice to the town of any change or cancellation of the policy.

(8) A wrecker service shall be responsible for securing in a reasonable manner personal property in a vehicle to be towed from an accident scene.

(9) An applicant for placement on the rotation list shall sign a contract for a term of one year agreeing to comply with the requirements of this Article in a form approved by the town administrator. The number of wrecker services placed on the rotation list may be limited by town council when it is determined to be in the public interest. The granting of a contract is the extension of a privilege, and no wrecker service operator shall have a right to be placed on or to be kept on the rotation list from year to year.

(10) Failure to comply with any of the requirements of this section may result in removal from the rotation list by the police chief. A decision of the police chief to remove a service from the list may be appealed to the town administrator within five (5) days after notice of removal. The town administrator shall hear the appeal and make a final decision.