

Section

General Provisions

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Statutory reference:

Establishment and control over town streets, see
G.S. 160A-296

GENERAL PROVISIONS

§ 40.01 CONSTRUCTION OF PUBLIC AND PRIVATE STREETS; ACCEPTANCE BY COUNCIL.

(A) All public and private streets (see Section 91.06 for definitions) constructed in the Town of Lake Lure shall meet the development standards set forth in Section 91.56 of the subdivision regulations.

(B) Before any new street offered for dedication to the town is accepted as such and officially recognized as a town-maintained street, the Council must give its approval, finding that the street complies with engineering standards set by the Council, provided that any street constructed prior to April 9, 2002, shall have a minimum width along its entire course of not less than 16 feet, and that the best interests of the town would be served by accepting the street as a town street. **(Amended 4-9-02)**

§ 40.15 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 hours before obstructing the sidewalk or street, unless prevented by sudden emergency.
Penalty, see § 10.99

§ 40.16 APPLICATION; FEES.

All persons desiring a permit to make an opening in any street or sidewalk, as set forth in § 40.15, 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 Council for such permit.

§ 40.17 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.
Penalty, see § 10.99

§ 40.18 EXCAVATIONS; LEAVING UNPROTECTED.

It shall be unlawful for any person, firm, or corporation who obtains a permit under the sections of this chapter 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 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.
Penalty, see § 10.99

§ 40.19 STREETS NOT TO BE DAMAGED BY TRACTORS OR OTHER CONSTRUCTION EQUIPMENT.

(A) It shall be unlawful for any person, firm, or corporation to drag, or run or cause to be dragged or run any implement, engine, machine, or tool on 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 division (A) shall be liable to the town for the cost of repairing any and all damage caused.
Penalty, see § 10.99

Cross-reference:

Injury to public property generally prohibited, see § 84.03
Town property, see § 40.22

§ 40.20 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.
Penalty, see § 10.99

§ 40.21 HEAVY/OVERSIZE LOADS, MOVING OF HOUSES OR
MODULAR/MANUFACTURED HOUSING

Heavy loads, houses, modular homes or any other large load (as determined by the administrator) shall require a road closure permit to be issued by the Town Code Enforcement officer.

General Requirements of The Town of Lake Lure, pursuant to NCGS 20-368:

1. A Road Closure Permit, issued by the Town, shall be required.
2. All applications for a road closure permit must be accompanied by an Acord® General Liability Insurance Policy (original) in the amount of \$2,000,000.00 with the Town of Lake Lure named as the certificate holder.
3. An NCDOT/ Division of Highways oversize/overweight permit is required; if applicable, see NCGS 20-360).
4. Transport of manufactured housing shall follow the guidance of Publication MH-2 as issued by the North Carolina Department of Transportation (revised 04/2015).
5. A pre-transport meeting is required with the Community Development Director or assigns, The Chief of Police, the Fire Chief and the Public Works Director.
6. Any living trees or branches deemed as obstructions and requiring removal within the public right-of-way will be flagged in advance of removal and will be cleaned up by the transportation company within 2 business days. Any cutting of trees or branches on private property shall require the written approval of the property owner in advance of the trip. There are no exceptions to this requirement.
7. The applicant shall provide a route map, illustrating and naming the roads through the Town where the trip is proposed to take place. This route shall be followed, on the day and date proposed only; unless a route change is authorized. (See NCGS 20-364)
8. The transportation company is responsible for the removal and replacement of any fixed obstacles, at their expense, (see NCGS 20-363).
9. The use of a pilot vehicle(s) are required.
10. Flagging crews are required at both ends of roadway (town owned roadways) and/or 100 yards before and behind structure(s).
11. No application will be accepted any closer than 14 business days from the proposed move date.

The Town Code Enforcement Officer has the authority to rescind the permit before or during the move if deemed necessary due to the applicant failing to comply with any requirement as listed in this section or if instructed to do so by the Town of Lake Lure Chief of Police for reasons of public safety. **AMENDED 05/14/2019**

Penalties, See §10.99.

§ 40.22 DAMAGE TO TOWN PROPERTY.

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

Penalty, see § 10.99

§ 40.23 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.

Penalty, see § 10.99