

Chapter 24

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

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* **Cross References:** Transportation of radioactive substances, § 14-101 et seq.; traffic and vehicles, ch. 28.
State Law References: Municipal authority to regulate streets and sidewalks, G.S. 160A-296.

ARTICLE I. IN GENERAL

Sec. 24-1. Obstruction generally.

No person shall place an obstruction in any street or on any sidewalk except as permitted in Section 22-41.
(Code 1973, § 18-1)

State Law References: Authority of city to prevent obstruction of streets and sidewalks, G.S. 160A-296.

Sec. 24-2. Construction, etc., of building not to obstruct use of street or sidewalk; temporary obstructions.

No person shall construct any building or repair, alter or change any existing building in such manner as to obstruct or interfere with the free usage of any sidewalk or street, or any part of such sidewalk or street; provided, that for the purposes of this section the words "obstruct" or "interfere" shall be construed to mean any permanent encroachment or temporary encroachment across that part of the street line which separates or divides the sidewalk or street from the property of an abutting owner; provided, that when necessary and in the discretion of the city manager a temporary obstruction or interference may be permitted upon such conditions as may be prescribed by the city manager.
(Code 1973, § 18-2)

Sec. 24-3. Barricades.

(a) No person shall drive any motor vehicle or any vehicle of any kind into or upon any alley or street when such street or alley has been barricaded by employees of the city.

(b) No person, other than an employee of the city, shall remove, tear down or destroy any barricade which has been erected by the city.
(Code 1973, §§ 18-3, 18-4)

Sec. 24-4. Moving buildings.

It shall be unlawful for any person to move or cause to be moved any building along, through or across any street or alley in the city or, while engaged in moving same or causing same to be moved, to allow such building to remain stationary for longer than six hours of daylight without first obtaining the permission of the city manager or, when engaged in moving or causing to be moved any building through, along or across any street or alley, to tear down, injure, damage or deface any electric light or telephone

wires, cable, poles or fixture or any fence or bridge without replacing and leaving same in as good condition as found, within 24 hours.

(Code 1973, § 18-5)

State Law References: Professional housemoving, G.S. 20-356 et seq.; housemoving permit, G.S. 160A-417(a).

Sec. 24-5. Parades.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning: The term "parade" as used in this section shall be defined as an assemblage of more than five vehicles or 25 pedestrians in a public procession along the streets of the city, but it shall not include funeral processions, sightseeing groups or bands or marching groups proceeding to the assembly point to participate in a parade.

(b) It shall be unlawful for any person to inaugurate, promote or participate in any parade over the streets of the city except as provided in this section. Parades may be held in conformity with the following requirements:

- (1) No parades or parts thereof may be upon the streets of the city between the hours of 5:30 p.m. and 9:00 a.m.
- (2) No parades conducted in the city may last longer than the amount of time authorized by the permit.
- (3) No more than one parade may be conducted during any one calendar day.
- (4) Parade routes shall be approved by the chief of police.
- (5) Parades may not be conducted until a permit therefor has been secured from the chief of police, and the application for permit shall be made at least five days before the date on which the parade is to be held. The chief of police shall issue a permit if it appears that the parade will be held in conformity with this section, but may stop and disperse a parade conducted in violation of this section even though a permit therefor has been issued by him.

- (6) The chief of police when expressly authorized and directed by the city manager shall have the authority and duty to prohibit or restrict parking of vehicles along a highway or part thereof constituting a part of the route of a parade or at the point of assembly or dispersal of a parade for a period of from three hours before its commencement to one hour after its dispersal. The chief of police shall post signs to such effect and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this section.

(Code 1973, § 18-6)

State Law References: Regulation of motor vehicles in parades, G.S. 20-169.

Secs. 24-6--24-35. Reserved.

ARTICLE II. EXCAVATIONS*

* **State Law References:** Authority to regulate digging in streets, etc., G.S. 160A-296.

Sec. 24-36. Permit required.

No person shall make any excavation, cut, or other opening in any of the streets, curbs, or sidewalks without first having obtained a permit.

For those uses other than single and two family dwellings, no driveway shall access a public street closer than seventy-five (75) feet from the right of way of an intersecting street. Where this distance is not possible due to lot dimensions or depth, the driveway application shall be presented to the City of Cherryville Technical Review Committee for approval (review committee – Planning Director, City Manager, and Public Works Director). Any appeal of a decision of the Technical Review Committee shall be decided by the City Council of the City of Cherryville.

All driveway or curbcuts in non-residential (ie. B-1, B-2, B-3, B-P, and GMC) zoning districts, and adjacent property(s) must be reviewed and approved by the City of Cherryville Technical Review Committee. For those uses other than single and two family dwellings, no more than one (1) driveway access to a street will be permitted for each one hundred fifty (150) feet (or fraction thereof) of

frontage on said street. However, any retail use engaged significantly in automobile use shall be permitted one (1) additional access point along its total frontage (total includes the total for all streets for which the use fronts), provided the said driveway is no closer than thirty-six (36) feet from any other access point.

This ordinance will become effective on the 13th day of July, 1998.

(Code 1973, § 18-7)

Sec. 24-37. Restoration.

Any person who makes an excavation, cut or other opening in any street or sidewalk of the city shall, upon completion of the work necessitating such excavation, cut or other opening, restore such street or sidewalk to its original condition or better and shall save the city harmless from any liability for any injury resulting from such excavation, cut or other opening.

(Code 1973, § 18-8)

Sec. 24-38. Warning devices at site of excavation.

Any person excavating or opening any street or sidewalk shall protect such excavation with a sufficient number of warning devices capable of being easily seen by oncoming traffic, both pedestrian and vehicular.

(Code 1973, § 18-9)