



Town of Southern Shores

"A Town of Volunteers"

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Ordinance # 02-09-021

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE II, OF THE CODE OF ORDINANCES OF THE TOWN OF SOUTHERN SHORES

Be It Ordained by the Town Council of the Town of Southern Shores as follows:

PART 1. In Chapter 6, Offenses and Miscellaneous Provisions, add a new article as Article VI following Article V, Section 6-101 as follows:

ARTICLE VI. STREETS AND STREET RIGHTS OF WAY

PART 2. Under Article VI insert the following provisions:

Sec. 6-201. Obstructions in street and highway right-of-way prohibited.

a. All obstructions are prohibited from the right-of-way of all streets and highways in the town. For purposes of this Article, right-of-way is defined as that area between a property line and the portion of a street improved, designed, or ordinarily used for vehicular traffic. Excepted from this prohibition are existing trees and anything installed by the town, county, state or utility on approved easements or as allowed by other sections of the Town Code of Ordinances. The Town is not responsible for any damage incurred to obstructions, plantings or underground irrigation systems placed on the town owned right-of-way.

b. There is further excepted from this section the following:

- (1) Commercially available newspaper and mailboxes.
- (2) Garbage / recycling containers, branches / brush, and other items temporarily placed on the right-of-way for scheduled pickup at designated times by the town.
- (3) Temporary storage of Town provided wood chips requested by property owners is allowed for no more than 30 days after delivery. Failure to remove or spread chips will result in action specified in Section 6-203 of this Chapter. Violators will no longer be provided chips.

(4) Property numbers on posts as allowed by Chapter VII, Article III, Section 7-38 of the Town Code.

(5) Driveway aprons.

(c) For the purposes of this section, "obstruction" means and is defined as any object, building or sign, whether man made or natural, including, without limitation, tall ornamental grasses, bushes, shrubs, dirt and sand berms, fences, yard decorations, stakes, poles, posts, bulkheads, large stones/rocks and concrete or other masonry walls.

(d) This section shall not apply to self-propelled motor vehicles displaying Town parking permits, which may be legally parked in designated right-of-way parking areas.

(e) Placement of signs on the Town right-of way and private property is regulated by Section 6-30, Article VI, Zoning Ordinance for the Town of Southern Shores.

Sec. 6-202. Trees

The town at its discretion may remove existing trees on town right-of-way. Property owners or their agents may also remove trees on the Town owned right of way in connection with construction only with the permission of the Town. Trees to be so removed will be marked by the Code Enforcement Department in connection with the issuance of the lot disturbance permit. Trees marked for removal shall be noted on the site plan as well as the field. Brush, vines and trees less than four inches in diameter may be removed without restriction at the discretion and expense of the property owner.

Sec. 6-203. Abatement by Town - Generally

(a) The Town recognizes the fact that some obstructions have been placed on the Town right-of-way prior to the enactment of this Article. Such obstructions are allowed to temporarily remain on the right-of-way at the sole discretion of the Town. The Town may order the removal of any obstructions at any time as provided in paragraph (b) of this section.

(b) If any person, having been ordered to abate an obstruction in a street right-of-way, fails, neglects or refuses to abate or remove the condition constituting the obstruction within fifteen (15) days from receipt of an order to remove a obstruction, the Town Manager or his designee may cause such condition to be removed or otherwise remedied by having employees of the town or independent contractors remove or otherwise abate such nuisance at the owners expense.

(c) Any person causing, permitting, or allowing an obstruction to exist who has been ordered to abate or remove the obstruction, may within the time allowed by this chapter, request the town in writing to suggest possible contractors to remove such condition, the cost of which shall be paid directly to the contractor.

Sec. 6-204. Costs

The actual cost incurred by the town in removing an obstruction from a street right-of-way shall be charged to the owner of such lot or parcel of land that caused, permitted, or allowed the obstruction to exist; and it shall be the duty of the tax collector to mail a statement of such charges to the owner or other person in possession of such premises with instructions that such charges are due and payable within thirty (30) days from the mailing thereof. If such costs charged in accordance with this section are not paid as herein stated, the costs shall be a lien upon the land or premises and shall be collected as unpaid taxes.

Sec. 6-205. Remedies and Penalties

In addition to the remedies provided in Sections 6-203 and 6-204, the Town may enforce the provisions of this Article using any remedies set out in Chapter 1, Section 1-6, but excluding those remedies and punishments set out in Subsections (b), (c) and (d-1).

PART 3. Chapter 1, Section 1-6, (d) is hereby amended by revising subsection (4) to read as follows:

(4). Chapter 6: Sections 6-26 through 6-30 inclusive, and 6-201 through 6-203 inclusive.

PART 4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Adopted this the 3rd day of September 2002.


Mayor

ATTEST:


Town Clerk

Vote: 5 Ayes 0 Nays

Approved as to form:


Town Attorney