

## **CHAPTER IX: STREETS AND SIDEWALKS**

Article

- 1. IN GENERAL**
- 2. EXCAVATIONS; DRIVEWAYS**
- 3. TREES**
- 4. ADDRESSING AND ROAD NAMING**



**CHAPTER IX: STREETS AND SIDEWALKS**  
**ARTICLE 1: IN GENERAL**

Section

- 9-1.1 Acceptance of public streets
- 9-1.2 Damaging streets unlawful
- 9-1.3 Permit required for construction of sidewalks
- 9-1.4 Dropping and tracking dirt, mud, gravel and debris prohibited

**' 9-1.1 ACCEPTANCE OF PUBLIC 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:

(A) The street complies with engineering standards set by the Board; and

(B) The best interests of the town would be served by accepting the street as a town street.  
(1989 Code, ' 16-1; 2003 Code, ' 9-1.1)

***Cross-reference:***

*As to streets in subdivision, see ' 8-2.7*

**' 9-1.2 DAMAGING STREETS UNLAWFUL.**

It shall be unlawful for any person to drag, or run or cause to be dragged or run any implement, machine or tool upon any asphalt or other type of permanently paved street of the town which shall be likely, in any way, to damage or cut the surface thereof.

(1989 Code, ' 16-8; 2003 Code, ' 9-1.2)

**' 9-1.3 PERMIT REQUIRED FOR CONSTRUCTION OF SIDEWALKS.**

No sidewalk, pedestrian path, bicycle path or walking trail of any description intended for public use shall be built by any person of any brick, wood or other material without a written permit from the town.

(1989 Code, ' 16-9; 2003 Code, ' 9-1.3)

**' 9-1.4 DROPPING AND TRACKING DIRT, MUD, GRAVEL AND DEBRIS PROHIBITED.**

**Mocksville - Streets and Sidewalks**

(A) It shall be unlawful for anyone operating a vehicle used for hauling dirt, gravel, garbage or debris through the public streets to drop such onto the streets.

(B) It shall be the responsibility of the contractor to ensure that public streets adjacent to construction sites are kept free of dirt, mud, gravel and other debris tracked onto the streets by the movement of vehicles.

(C) It shall be the responsibility of the property owner to ensure that gravel and dirt from driveways are kept off of public streets.

(2003 Code, ' 9-1.4)

**CHAPTER IX: STREETS AND SIDEWALKS**  
**ARTICLE 2: EXCAVATIONS; DRIVEWAYS**

Section

- 9-2.1 Excavation permit required
- 9-2.2 Same application fees as prescribed
- 9-2.3 Same indemnification of town
- 9-2.4 Driveway permit
- 9-2.5 Restoration of surface
- 9-2.6 Leaving excavation unprotected

**' 9-2.1 EXCAVATION 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, wire or pole or for any other purpose unless a written permit therefor has been issued by the manager or some other officer vested with proper authority; provided, however, 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.

(1989 Code, ' 16-40; 2003 Code, ' 9-2.1)

**' 9-2.2 SAME APPLICATION FEES AS PRESCRIBED.**

All persons desiring a permit to make an opening in any street or sidewalk, as set forth in ' 9-2.1, 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 the permit.

(1989 Code, ' 16-41; 2003 Code, ' 9-2.2)

**' 9-2.3 SAME INDEMNIFICATION OF TOWN.**

Any person obtaining a permit as provided for in ' 9-2.1 agrees, as a condition of the issuance of the permit, to indemnify and hold harmless the town against any claims or expenses, including attorney=s fees, for bodily injury or property damage for accidents or occurrences arising out of the person=s operations, excluding only the liability of the town for its sole negligence in connection with general supervision of work performed by the person.

(2003 Code, ' 9-2.3)

#### **' 9-2.4 DRIVEWAY PERMIT.**

No person shall construct, reconstruct, repair, alter or grade any driveway on the public streets, unless a written permit therefor has been issued by the Manager or some other officer of the town vested with that authority.

(1989 Code, ' 16-42; 2003 Code, ' 9-2.4)

#### **' 9-2.5 RESTORATION OF SURFACE.**

When any part of any street or other public place of the town shall be torn or dug up for any purpose, the person making the excavation or opening shall refill and resurface, if paved. The excavation or opening and the refilling and resurfacing shall be done in accordance with the standards and specifications of the town.

(1989 Code, ' 16-43; 2003 Code, ' 9-2.5)

#### **' 9-2.6 LEAVING EXCAVATION UNPROTECTED.**

It shall be unlawful for any person who obtains a permit under this article to do any excavation of any kind which may create or cause a dangerous condition in or near any street or other public place of the town without warning the public of excavation work, and protecting all persons using reasonable care from injuries on account of the excavation or work.

(1989 Code, ' 16-44; 2003 Code, ' 9-2.6)

**CHAPTER IX: STREETS AND SIDEWALKS**  
**ARTICLE 3: TREES**

Section

9-3.1	Definitions
9-3.2	Purposes
9-3.3	Tree Board created and established; composition
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9-3.6	Duties and responsibilities
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9-3.8	Tree topping
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9-3.10	Interference with Tree Board
9-3.11	Permit required
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9-3.13	Review by Town Board

**' 9-3.1 DEFINITIONS.**

As used in this article, the following terms shall have the respective meanings ascribed to them.

***PARK TREES.*** Trees, shrubs and bushes in public parks having individual names, and all areas owned by the town, or to which the public has free access as a park.

***STREET TREES.*** Trees, shrubs and bushes on land lying within rights-of-way on either side of all streets or ways within the town.  
(1989 Code, ' 16-20; 2003 Code, ' 9-3.1)

**' 9-3.2 PURPOSES.**

## Mocksville - Streets and Sidewalks

(A) The purpose of this article is to regulate the planting, maintenance and removal of trees on municipally owned public property and rights-of-way within the municipality and on municipally owned property wherever located. In order to protect and conserve trees on public property and rights-of-way, this article provides for the pruning, treatment and removal of trees and shrubs as deemed necessary by the Town Board or a person acting under the authority of the Town Board. This article is also intended to provide for the trimming or removal of trees on public land when they obscure streetlights, interfere with utility lines or constitute a hazard to pedestrian or vehicular traffic, or otherwise endanger the public health, safety or welfare.

(B) Another purpose of this article is to encourage the protection of trees and express the town's intent to use trees to create a more natural and amenable human environment. This article is not intended to be punitive or to cause hardship to any person who uses the utmost care and diligence to protect trees within the town or on town property.

(C) This article shall further provide for the establishment of an advisory committee known as the Tree Board, which shall be responsible for promoting trees and tree care throughout the municipality and for developing a town tree plan.

(1989 Code, ' 16-21; 2003 Code, ' 9-3.2)

### ' 9-3.3 TREE BOARD CREATED AND ESTABLISHED; COMPOSITION.

There is hereby created and established a Town Tree Board, which shall consist of five members, citizens and residents of the town or its extraterritorial area, who shall be appointed by the Mayor with the approval of the Town Board.

(1989 Code, ' 16-22; 2003 Code, ' 9-3.3)

### ' 9-3.4 SAME TERMS OF OFFICE AND COMPENSATION OF MEMBERS.

(A) *Term of office.* The term of the five persons to be appointed by the Mayor shall be three years; except that, the term of two of the members appointed to the first Board shall be for only one year and the term of two members of the first Board shall be for two years. In the event that a vacancy shall occur during the term of any member, a successor shall be appointed for the unexpired portion of the term.

(B) *Compensation.* Members of the Board shall serve without compensation.

(1989 Code, ' 16-23; 2003 Code, ' 9-3.4)

### ' 9-3.5 SAME ORGANIZATION.

The Tree Board shall adopt rules for transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings and recommendations, which record shall be a public record. The Tree Board shall set a regular schedule for meetings and the Chairperson may call a special meeting upon request of a majority of members of the Board. A majority of the members shall be a quorum for the transaction of business.

(1989 Code, ' 16-24; 2003 Code, ' 9-3.5)

**' 9-3.6 SAMECDUTIES AND RESPONSIBILITIES.**

(A) It shall be the responsibility of the Tree Board to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. The plan will be presented annually to the Town Board and upon its acceptance and approval shall constitute the official comprehensive town tree plan.

(B) The Tree Board, when requested by the Town Board, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.

(C) The Tree Board shall furthermore serve as an advisory board to the Town Board with the following duties and responsibilities:

(1) To facilitate the planting, growth and protection of trees within the town;

(2) To foster the communication among the citizens of the town that would provide the needed protection of trees and to coordinate active measures to support their health and growth within the town;

(3) To conduct a tree survey of existing trees along streets and on public property within the town;

(4) To investigate available grants, loans or contributions from other governmental agencies, public or private corporations or individuals; and to recommend the expenditure of any proceeds toward the accomplishment of the Board=s purpose; and

(5) To conduct continuing research, planning and feasibility studies required to support the purposes stated herein.

(D) The Tree Board shall also be responsible for developing an official street tree species list comprised of three groups of trees: small trees, medium trees and large trees. No trees other than those included in the list may be planted as street trees without permission of the Tree Board.

(E) The Tree Board will be responsible for establishing guidelines for the spacing of town trees in accordance with the three species size classes in the official street tree species list. These guidelines will cover spacing between street trees, the distance street trees may be planted from curbs or curb lines and sidewalks, the distance street trees may be planted from any street corner, the location of the street trees relative to overhead and underground water lines, sewer lines, transmission lines or other utilities and any other areas involving the spacing of street trees, park trees or town-owned trees.

(F) The Tree Board shall submit an annual report of its activities and recommendations to the Town Board and shall submit copies of the minutes and proceedings of its regular and special meetings.

(1989 Code, ' 16-25; 2003 Code, ' 9-3.6)

**' 9-3.7 PUBLIC TREE CARE.**

(A) The town shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, squares and other public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of the public grounds.

(B) The Tree Board may remove or cause or order to be removed, any publicly owned tree or part thereof which is in an unsafe condition, or which by reason of its nature is injurious to sewer lines, electrical power lines, gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of the trees are in accordance with the guidelines for planting and spacing developed by the Tree Board.

(1989 Code, ' 16-26; 2003 Code, ' 9-3.7)

**' 9-3.8 TREE TOPPING.**

(A) It shall be unlawful as normal practice, except as described below, for any person, including the town, to top any street tree, park tree or other tree on public property.

(B) **TOPPING** is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree=s crown to a degree so as to remove the normal canopy and disfigure the tree.

(C) Trees severely damaged by storms or other causes, or certain trees that interfere with or are an eminent threat to utility wires or other obstructions where other pruning practices are impractical, may be exempted from this article at the determination of the Tree Board.

(1989 Code, ' 16-27; 2003 Code, ' 9-3.8)

**' 9-3.9 REMOVAL OF STUMPS.**

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(1989 Code, ' 16-28; 2003 Code, ' 9-3.9)

**' 9-3.10 INTERFERENCE WITH TREE BOARD.**

It shall be unlawful for any person to prevent, delay or interfere with the Tree Board, or any of its agents, while engaging in and about the planting, cultivation, mulching, pruning, spraying or removing of any street trees, park trees or other trees on public grounds, as authorized in this article.

(1989 Code, ' 16-29; 2003 Code, ' 9-3.10)

**' 9-3.11 PERMIT REQUIRED.**

It shall be unlawful for any person to prune, treat or remove any street tree or park tree without first filing an application and procuring a permit from the Town Manager or the Manager=s designee. The town maintains the right to review the application and the trees in question in determining whether or not to issue a permit.

(1989 Code, ' 16-30; 2003 Code, ' 9-3.11)

**' 9-3.12 LICENSE AND BOND.**

It shall be unlawful for any person to engage in the business or occupation of pruning, treating or removing street or park trees without first applying for and procuring a license. The license fee shall be as provided in ' 4-1.4. annually in advance; provided, however, that, no license shall be required of any public service company or town employee doing the work in the pursuit of the company=s public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amount of \$50,000 for bodily injury and \$25,000 property damage indemnifying the town or any person injured or damaged resulting from the pursuit of the endeavors, as herein described.

(1989 Code, ' 16-31; 2003 Code, ' 9-3.12)

***Cross-reference:***

*As to license fee, see ' 4-1.4*

**' 9-3.13 REVIEW BY TOWN BOARD.**

The Town Board shall have the right to review the conduct, acts and decisions of the Tree Board. Any person may appeal from any ruling or order of the Tree Board to the Town Board, which may hear the matter and make final decision.

(1989 Code, ' 16-32; 2003 Code, ' 9-3.13)



**CHAPTER IX: STREETS AND SIDEWALKS**  
**ARTICLE 4: ADDRESSING AND ROAD NAMING**

Section

- 9-4.1 Purpose
  - 9-4.2 Short title
  - 9-4.3 Street names Changing authorized
  - 9-4.4 Same new streets
  - 9-4.5 Territorial jurisdiction
  - 9-4.6 Addressing map
  - 9-4.7 The numbering system
  - 9-4.8 Addressing system
  - 9-4.9 Posting requirements for structure
  - 9-4.10 Road naming
  - 9-4.11 Road name signs and standards
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  - 9-4.14 Legal status provisions
  - 9-4.15 Violations and enforcement
  - 9-4.16 Appeals and requests for variance
  - 9-4.17 Definitions
  - 9-4.18 Closing provisions
  - 9-4.19 Effective date
- Attachment 1

**' 9-4.1 PURPOSE.**

The purpose of this article is to provide for the orderly assignment of town addresses; to fulfill the town's responsibilities between the county and GTE government information services (GIS); and to protect the safety and welfare of the general public by facilitating the location of individual dwellings and businesses by emergency response personnel.  
(2003 Code, ' 9-4.1) (Adopted 9-7-1993)

**' 9-4.2 SHORT TITLE.**

This article shall be known as the Addressing and Road Naming Ordinance of the Town of Mocksville, North Carolina, and may be referred to as Addressing ordinance or this article, and the map referred to is identified by the title Official Road Name and Structure Numbering Map, Town of Mocksville, North Carolina, and may be known as the Addressing map.  
(2003 Code, ' 9-4.2) (Adopted 9-7-1993)

#### ' 9-4.3 STREET NAMEScCHANGING AUTHORIZED.

The town shall have the authority to change the name of any street within the corporate limits or one mile extraterritorial jurisdiction of the town upon notice published at least once ten days before a public hearing thereon.  
(1989 Code, ' 16-2; 2003 Code, ' 9-4.3)

#### ' 9-4.4 SAMEcNEW STREETS.

No new streets shall be named within the corporate limits or the one-mile extraterritorial jurisdiction of the town without prior approval of the town. Proposed new street names and the locations thereof shall be submitted to the Town Planner for review. The town shall have the authority to disapprove the proposed name if it conflicts with, or is confusingly similar to, an existing street name in either spelling or pronunciation.  
(1989 Code, ' 16-3; 2003 Code, ' 9-4.4)

#### ' 9-4.5 TERRITORIAL JURISDICTION.

The road naming and addressing policies set forth in this article shall be applicable to all of the incorporated areas of the town and the area under the town=s extraterritorial planning and zoning jurisdiction.  
(2003 Code, ' 9-4.5) (Adopted 9-7-1993)

#### ' 9-4.6 ADDRESSING MAP.

(A) *Official road name and structure numbering map.* The address numbering map shall be entitled Official Road Name and Structure Numbering Map, Town of Mocksville, North Carolina. The map shall be effective upon adoption by the Board of Commissioners. All town addresses assigned shall be assigned in accordance with this map.

(B) *Maintenance and storage.* The addressing map shall be kept on file in the Town Planning and Zoning Department or the County GIS office and in the office of the Town Clerk. This map may be maintained and updated in data processing storage systems.  
(2003 Code, ' 9-4.6) (Adopted 9-7-1993)

**' 9-4.7 THE NUMBERING SYSTEM.**

(A) *Uniformity of the system.* All roads that are officially designated on the addressing map, whether public or private, shall be numbered uniformly and consecutively along the roadway center line. Numbers shall be assigned along the entirety of all named thoroughfares.

(B) *Origin point.* The origin point, or vertex, of the numbering system shall be located at the intersection of Depot Street and Main Street in the town.

(C) *North-south and east-west axes.* The town shall be divided by two axes. The north-south axis shall be Depot Street and the east-west axis shall be Main Street.

(D) *Road naming and numbering criteria.* All roads, both public and private, shall be named, numbered and have road name signs installed if two or more addressable structures, including mobile homes, are located on and accessed by them.

(E) *Numbering method.* A pair of numbers, each being either a three-, four- or five-digit natural number, called a structure number, shall be assigned at intervals of 10.56 feet along a roadway center line. Odd natural numbers shall be assigned to the left side of the road by ascending numbers moving from the axes or origin point. Even natural numbers shall be assigned to the right side of the road in a like manner. (See the diagram in Attachment 1 at the end of this chapter.)

(F) *Dead end road.* All dead end roads and cul-de-sacs shall begin with ascending numbers at the open end, that being the end connecting to another road.

(G) *Roads connecting to both axes.* Roads which connect to both axes shall begin ascending numbers on the end stemming from the north-south axis.

(H) *Numbers begin with 100.* The first potentially assignable structure number on a given road shall be the number 100.

(I) *Existing property numbers.* Existing property numbers shall be maintained, with the exception of those numbers not in sequence with other properties in that block (e.g., 900 numbers in 300 Block). (2003 Code, ' 9-4.7) (Adopted 9-7-1993)

**' 9-4.8 ADDRESSING SYSTEM.**

**Mocksville - Streets and Sidewalks**

(A) *Method of assigning a number.* Each structure shall be assigned a structure number based on the number of the appropriate segment of roadway center line. The structure number shall be determined by the line perpendicular to the road center line, which intersects the center line of the driveway leading to the structure. In cases where a structure has a loop driveway or more than one driveway, the structure number shall be assigned to the driveway that best services the main access to the structure. The number of the center line segment at the point of perpendicular intersection shall be the number of the structure.

(B) *Corner lots.* Structures on corner lots shall be assigned a structure number either from the road which intersects the addressable driveway to that structure, or from the road in which the main access or entrance to the structure is oriented. The number will be assigned using the method in subsection (A) above and will be assigned in the manner as determined by the Ordinance Administrator or his or her designee.

(C) *Road name of address.* The road name for an address shall be the name of the road from which the structure is numbered.

(D) *Requirements for road naming and numbering.* If development on a private road exceeds the minimum structure regulation contained in ' 9-4.7(D), the road shall be named and numbered and structures readdressed according to the requirements herein.

(E) *Duplex and multi-family dwellings.* One structure number shall be assigned to each structure whose units share a common roof. Each unit within the structure shall be assigned a unit designator. Allowed unit designators include apartment numbers for each apartment and numbers for commercial buildings. The unit designator shall be a number and shall not include alphabetic characters, except as stated in subsection (F) below. This section specifically applies to multi-family dwellings.

(F) *Assigning of unit designators.*

(1) Residential unit designators shall be as follows:

(a) Ground-level floor numbers: #101, #102, #103 and the like; and

(b) Second floor numbers: #201, #202, #203 and the like.

(2) All floor levels are to follow this scheme. Underground floor designators shall follow the same scheme with the exception of having a AU@ for a prefix, for example, #U101, #U102 and the like.

(3) Unit designators shall be assigned in a logical manner, with increasing unit numbers corresponding to increasing road center line numbering wherever possible.

(G) *Mobile homes.* Manufactured housing or mobile homes shall be assigned individual street addresses according to the requirements herein, whether they are located on individual lots or in developments or parks.

(H) *Recreational or resort communities.* Resort communities or recreational developments that have established dwelling sites (seasonal or other) with electrical power hookups shall be assigned

individual street addresses in accordance with the requirements herein.  
(2003 Code, ' 9-4.8) (Adopted 9-7-1993)

**' 9-4.9 POSTING REQUIREMENTS FOR STRUCTURE.**

(A) *Time constraints.* Within 90 days after written notification of the assignment of or change of a structure number, the owner of the structure shall post the assigned structure number in compliance with the requirements herein.

(B) *Number specifications.*

(1) All structure numbers shall be constructed of a durable material. The color shall contrast with the color scheme of the structure and, if mounted on glass, shall contrast with the background and be clearly visible.

(2) The minimum number size for residential structures or units shall be four inches in height. The minimum size for all other structure numbers shall be six inches in height. In all cases, a number size larger than the minimum may be required where the minimum size does not provide adequate identification.

(C) *Posting locations.*

(1) For single-family residential or duplex structures, the structure number shall be posted and maintained within a three-foot perimeter of the front entrance of the structure, in a location visible and readable from the road. For all other structures, the structure number shall be posted on a building face most readily visible from the road from which the number is assigned. Unit designators shall be posted at each unit within a three-foot perimeter of the front entrance of the unit.

(2) In the event that a structure or its posted number is not visible from the road which its number is assigned, the assigned structure number shall also be posted on property adjacent to the road. This number shall be located at the primary driveway access point.

(3) In all cases, the structure number shall be clearly displayed in a way that the structure number can be easily identified from the street or road during both day or night.

(D) *Maintenance of structure numbers.* Following the posting of the assigned number as required herein, the owner shall maintain the structure number at all times in compliance with the requirements of this article. Structure numbers and unit designators, as viewed from the road, shall not be obstructed from view.

(2003 Code, ' 9-4.9) (Adopted 9-7-1993)

**' 9-4.10 ROAD NAMING.**

(A) *Approval of names.* The Ordinance Administrator shall have authority to approve road names within the town and in the unincorporated areas of the county under the town=s extraterritorial zoning

jurisdiction, subject to the requirements of this article.

(B) *Deceptively similar names.* The Ordinance Administrator shall maintain a database of existing road names, such that duplicate or *deceptively similar* road names are neither approved nor assigned.

(C) *New road names.* New road names that relate to the history, location or scale of a project area shall be given consideration.

(D) *Desirable names.* Road names that are pleasant sounding, appropriate, easy to read and add pride to home ownership shall be promoted.

(E) *Undesirable names.* The following kinds of names shall be avoided: numerical, alphabetical, complicated names and names which tend to offend the community. The Ordinance Administrator is hereby given authority to refuse to accept any road name which, in his or her opinion, violates the provisions of the section.

(F) *Suffixes.*

(1) The following road name suffixes are allowed: Avenue (AVE), Boulevard (BLVD), Circle (CIR), Court (CT), Drive (DR), Highway (HWY), Lane (LN), Loop (LP), Parkway (PKWY), Place (PL), Road (RD), Street (ST), Trail (TRL) and Way.

(2) Private roads shall be assigned the suffixes *Trail*, *Lane* or *Way*. All other suffixes shall be reserved for public roads.

(G) *Road segments.* Each road shall bear the same name and uniform numbering along the entirety of the road. Segments of roads shall not be allowed to have different or separate names. The Ordinance Administrator shall determine what constitutes a road or way.

(H) *Off-set intersections and split routes.* Split routes, also known as *dog-leg* or off-set intersections, shall be treated as separate roads with different names and numbering to preserve the integrity and continuity of the numbering system.

(I) *Impasses.* Impasses or sections of a road that are impassable shall be assigned different names and numbering to each portion of the road on either side of the impasse to preserve the integrity and continuity of the numbering system.

(J) *Existing road names.* The Ordinance Administrator shall, whenever possible, consistent with the provisions of this article, retain road names already established.  
(2003 Code, ' 9-4.10) (Adopted 9-7-1993)

#### **' 9-4.11 ROAD NAME SIGNS AND STANDARDS.**

(A) *Installation and maintenance.* All public and private road name signs required by this article shall be installed and maintained by the Town Public Works Department.

(B) *Sign standards.* Road name signs shall meet the following standards.

(1) All road name signs shall be a six-inch vertical dimension sign.

(2) Road name signs shall comply with all reflectivity requirements set forth in the *Manual on Uniform Traffic Control Devices*.

(3) In residential districts, at least one road name sign shall be mounted at each intersection.

(4) On major arterials (U.S., N.C. and S.R. 1000 series routes), road name signs shall be placed on diagonally opposite corners so that they will be on the far right side of the intersection for traffic on the major road. Signs naming both roads shall be erected at each location. They shall be mounted with their faces parallel to the roads they name.

(5) Road name signs shall be placed at least two feet behind the face of a curb with a minimum clearance of seven feet from the bottom of the sign to the projected edge of pavement. If there is no curb and gutter, the signs shall be placed behind the ditch line out of the maintenance area. The lateral clearance from the road's edge should be six feet.

(6) Whenever physical conditions permit, signs shall be located on the right-hand side of the road as one approaches the intersection.

(7) Signs shall be set in the center of the turning radius in a way as to be visible from both intersecting roads.

(8) Signs shall be placed across the ditch line and shall not block regulatory or warning signs.

(9) Signs shall be located in conformance with safety factors related to fixed obstacles near the roadway.

(C) *Existing road signs.* The Ordinance Administrator shall retain existing road signs already in place, except for those signs which are inconsistent with the provisions of the ordinance and substantially affect the purposes sought to be carried out by this article.

(2003 Code, ' 9-4.11) (Adopted 9-7-1993)

#### ' 9-4.12 ADMINISTRATION.

(A) *Ordinance Administrator and responsibilities.*

**Mocksville - Streets and Sidewalks**

(1) The duly appointed Planning and Zoning Director, or his or her designee, is hereby given authority to administer and assign town addresses, and to enforce the provisions of this article. Questions arising from the enforcement of this article shall be interpreted by the Planning and Zoning Director or his or her designee.

(2) Interpretation of this article shall be accomplished by the Planning and Zoning Director or his or her designee.

(3) The Ordinance Administrator shall report to the Planning Board or Board of Adjustment at their scheduled meetings as needed to keep the members of the boards informed of any pertinent addressing related matters and to provide them with a summary of any matters.

(B) *Applications and petitions.* The Ordinance Administrator shall accept and examine all applications, road naming petitions, signage variances and initial appeals. Forms are available in the Planning and Zoning Department or at the GIS office.

(C) *Petitioning for a road name.* Roads not eligible for naming, by means of ' 9-4.7(D) of this article, may be named by submitting a petition signed by all of the landowners along the road, and upon approval by the Ordinance Administrator.

(D) *Building permits.* No building permit shall be issued for any building or structure until the owner or developer has been issued a structure number with a corresponding road name from the Ordinance Administrator.

(E) *Certificate of occupancy.* Final approval for a certificate of occupancy of any structure or building erected or repaired after the effective date of this article shall be withheld until permanent and proper structure numbers have been posted in accordance with the requirements herein.

(F) *Procedure upon denial.* Any person denied a request directed to the Ordinance Administrator may protest as provided in ' 9-4.13(D).  
(2003 Code, ' 9-4.12) (Adopted 9-7-1993)

**' 9-4.13 AMENDMENTS.**

(A) *General.* The Board of Town Commissioners may, from time to time, on its own motion or on petition, after public notice and a hearing, as provided by this article, amend, supplement, change, modify or repeal the addressing regulations and assignments. No action shall be taken until the proposal has been submitted to the Planning Board for its recommendation. If no report has been received from the Planning Board within 30 days after submission of the proposal to the Director of the Planning Board, the Board of Town Commissioners may proceed as though a favorable report has been received.

(B) *Public notification requirements.* Before adopting or amending this article, the Board of Town Commissioners shall conduct a public hearing on the proposal. A notice of the public hearing shall be posted once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than ten days, nor more than 25 days, before the appointed date of the meeting.

(C) *Letter of notification.* Whenever there is a proposal for a change in the addressing system involving any portion of an address, the landowner of that parcel=s address as shown on the town tax listing, and the landowners of all the parcels of land abutting that parcel of land as shown on the town tax listing, shall be mailed a notice of the proposed change in the address system. The notice shall be mailed by first class mail to the last addresses listed of the landowners according to the town tax abstracts.

(D) *Protesting a petition or proposal of amendment.* No protest against any change in, or amendment to, the addressing ordinance, regulations, proposals or the addressing system, shall be valid or effective unless it is in the form of a written petition. The petition shall bear the names and signatures of the opposing property owners and shall affirm and state the nature of protest to the proposal.

(E) *Application for amendment.*

(1) Applications for an amendment to the addressing ordinance shall be filed with the Ordinance Administrator at least ten days prior to the date on which it is to be filed with the Planning Board. The Planning Director shall be responsible for presenting the application to the Board of Town Commissioners. Each application shall be signed, be in a duplicated form, and shall contain the following:

(a) The applicant=s name and address in full;

(b) In the case of a text amendment, it shall set forth the new text to be added and the existing text to be deleted and any other text changes that will have to be made as a result of the effect on the remaining articles, sections, definitions, diagrams or attachments; and

(c) If the proposed amendment will change the addressing map, a copy of the addressing map shall be marked to indicate the impact of the proposed amendment to the existing map and shall be presented with the application for amendment.

(2) All proposed amendments to the addressing ordinance shall be submitted to the Planning Board for review and recommendation. The Planning Board shall have 30 days to submit its report. If the Planning Board fails to submit its report within the above period, it shall be deemed to have approved the proposed amendment.

(3) A public hearing shall be held by the Board of Town Commissioners before the adoption of any proposed amendments to the addressing ordinance. When the Board of Town Commissioners shall have denied any application for the change of a portion or matter of the addressing ordinance, it shall not thereafter accept any other application for the same change involving that portion or matter of the ordinance until the expiration of six months from the date of the previous denial.

(4) Before any action shall be taken on an amendment request, the party or parties proposing or recommending the amendment shall, with the petition for the change, deposit any required fee with the Planning and Zoning Director at the time the petition is filed to cover publication and other miscellaneous costs for the change. Under no condition shall the fee, or any part thereof, be refunded for failure of the amendment to be adopted. However, in the event an application is withdrawn prior to the time it is ordered advertised for hearing by the Planning and Zoning Director, three-fourths of the fee shall be refunded.

(2003 Code, ' 9-4.13) (Adopted 9-7-1993)

#### **' 9-4.14 LEGAL STATUS PROVISIONS.**

(A) It shall be unlawful for any person to use or display a different address or portion thereof, except as provided by this article or the AOfficial Road Name and Structure Numbering Map, Town of Mocksville, North Carolina@.

(B) It shall be unlawful for any person to name or designate the name of any private road, street, drive, cartway, easement, right-of-way, access area or any other thoroughfare, except as provided by this article.

(C) It shall be unlawful for any person to establish or erect any road sign that does not comply with the standards set forth in this article.

(D) It shall be unlawful for any person to intentionally destroy, mar or deface any town road name sign.

(E) Punishment for violations provided for in this article shall be as set forth in ' 9-4.15.  
(2003 Code, ' 9-4.14) (Adopted 9-7-1993)

#### **' 9-4.15 VIOLATIONS AND ENFORCEMENT.**

(A) *Posting structure numbers.*

(1) Violation of this article is a misdemeanor as provided by G.S. ' 14-4 and may be punished as provided therein.

(2) Civil penalties may be imposed in accordance with the following procedure:

(a) Initial notification of violation, in writing by first class mail, to the last known address of the person to be notified;

(b) If not corrected within ten days, a warning citation may be issued;

(c) If not corrected within seven days of issuance of a warning citation, a second citation including a fine of \$25 may be issued; and

(d) Each day the violation continues shall constitute a separate violation of this article.

(B) *Notification of violation.*

(1) Notification shall be issued by the Ordinance Administrator or his or her designee.

(2) Notification shall be in writing, directed to the name and address of the owner of the structure by certified mail return receipt.

(3) Notification shall set forth the action necessary for the offender to be in compliance with this article.

(C) *Road name signs.* Violations of this section shall be punishable by maximum fines of up to \$250 for each violation.

(D) *Legal prosecution.* Nothing herein contained shall prevent the town from taking other lawful action as is necessary to prevent or remedy any violation.  
(2003 Code, ' 9-4.15) (Adopted 9-7-1993)

**' 9-4.16 APPEALS AND REQUESTS FOR VARIANCE.**

Road naming appeals and appeals for signage variance, shall adhere to the procedures below.

(A) *First appeal or request for variance.*

(1) Shall be in writing, directed to the Ordinance Administrator;

(2) Shall be dated and should describe the reasons for the appeal;

(3) Appeals shall clearly state that all property owners along the road are aware that any road name sign posting variance may hinder emergency response personnel in their efforts to locate a particular address; and

(4) Shall contain the signatures of all the property owners along the road.

(B) *Second appeal.* Shall be in writing, and directed to the Zoning Board of Adjustment.

(C) *Appeals from decision of the Board.* Are prescribed in ' 8-3.9 of the town=s zoning ordinance.  
(2003 Code, ' 9-4.16) (Adopted 9-7-1993)

**' 9-4.17 DEFINITIONS.**

As used in this article, the following terms shall have the respective meanings ascribed to them.

**AVENUE (AVE).** A major road that runs generally in an east/west direction.

**BOARD OF COMMISSIONERS.** The Town Board of Commissioners.

**BOULEVARD (BLVD).** An unusually wide street typically in residential areas; often with a central, dividing medium.

**CIRCLE (CIR).** A short road that returns to itself.

**COURT (CT).** A dead end right-of-way often ending as a cul-de-sac.

**DRIVE (DR).** A curving secondary road.

**HIGHWAY (HWY).** A designated state or federal highway.

**INTERSTATE (I-#).** A thoroughfare of the highest order and federally designated as an interstate.

**LANE (LN).** A short private road that branches off of another road and ends or connects to another secondary road.

**LOOP (LP).** A short road that starts and ends on the same street or road.

**PARKWAY (PKWY).** A special scenic route or park drive.

**PLACE (PL).** A cul-de-sac or permanent dead end road.

**PRIVATE ROAD.** Any road which is not maintained by a governmental entity or agency through the use of public funds. Road name suffixes for **PRIVATE ROADS** include: Trail, Lane and Way.

**PUBLIC ROAD.** Any road which is maintained by a governmental entity or agency through the use of public funds.

**RADIO/COMMUNICATIONS SERVICES.** Includes any radio communications, transmissions, dispatching or future enhanced 911 communications that may involve police, emergency, fire or rescue operations, but are not limited to, these aforesaid operations.

**ROAD (RD).** A well-traveled secondary road often connecting with a U.S. or state primary highway.

**STREET (ST).** A major road that runs generally in a north-south direction.

**STREET ADDRESS.** A unique identifier for each addressable structure within the town. The minimum adequate street address shall be defined as the assigned structure number and the officially adopted road name. Where required by this article, the **STREET ADDRESS** shall also include the

assigned unit designator.

**STRUCTURE.** Any building, whether residential, commercial, industrial or institutional in nature and use.

**STRUCTURE NUMBER.** The numerical portion of the street address, as assigned by the Ordinance Administrator or his or her designee, in accordance with the Official Road Name and Structure Numbering Map of the town.

**THOROUGHFARE.** A general all-inclusive term for roads (public or private) street, drive, cartway, easement, right-of-way or any other word or words that means a way of access.

**TRAIL (TRL).** A local, private road that serves as a connector for larger roads.

**UNIT DESIGNATOR.** The portion of the street address used to distinguish individual units within the same structure.

**WAY (WAY).** A minor private road that begins and ends on the same road.  
(2003 Code, ' 9-4.17) (Adopted 9-7-1993)

**' 9-4.18 CLOSING PROVISIONS.**

(A) *Conflict with other laws.* All other ordinances or parts of ordinances not specifically in conflict herewith are hereby continued in force and effect, but all ordinances or parts of ordinances in conflict herewith are hereby repealed. Where the provisions of this article are more stringent or more restrictive than those imposed by any other applicable law or regulation, the more stringent or restrictive provisions shall apply.

(B) *Severability.* Should any section, subsection, sentence, clause, phrase or provision of this article be declared unconstitutional or invalid by a court of competent jurisdiction, the decision shall not affect the validity of the article in its entirety or of any part thereof other than that so declared to be unconstitutional or invalid.

(2003 Code, ' 9-4.18) (Adopted 9-7-1993)

**' 9-4.19 EFFECTIVE DATE.**

This article shall take effect and be in force from and after its adoption. Duly adopted by the Board of Commissioners of the town on 9-7-1993.

(2003 Code, ' 9-4.19) (Adopted 9-7-1993)



**ATTACHMENT 1**

***Editor=s note:***

*Please see ' 9-4.7(E) of this code.*

