

## CHAPTER 90: STREETS AND SIDEWALKS

Adopted 4/15/2024

### Section

- 90.01 Street Deposit
- 90.02 Obstructions to stormwater ditches and requiring culverts
- 90.99 Penalty

### §90.01 STREET DEPOSIT

- (A) For the purpose of this section, **Land Disturbing Activity** is defined as using any type of logging equipment or commercial clearing equipment, bulldozers, backhoes, ditch diggers, logging trucks, cement or mixer trucks or other heavy type equipment. Specifically excluded are bush hogs, riding mowers or garden-type tractors.
- (B) Prior to any land disturbing activity taking place on any lot or parcel within the zoning jurisdiction of the town, a security deposit in the amount of \$750 must be posted to cover any damages or problems that may occur as a result of the clearing or construction. This sum shall be deposited with the Town Clerk at the time the zoning permit is issued.
- (C) The Street Manager will check the property both before and after clearing or construction. Upon their certification that the street, shoulder, and right-of-way have suffered no damages or that the damages have been corrected, and that no drainage problems which may require culverts have been created, the security deposit will be refunded in accordance with this section. Where culverts are needed to ensure proper drainage, a minimum 15 inch culvert shall be properly installed. Should damages or drainage problems not be corrected to the satisfaction of the Street Manager, this sum will be forfeited and the owner billed for any additional charges. A request for a refund must be made with a copy of the certificate of occupancy by the property owner and/or developer no later than six months after issuance of certificate of occupancy. If the request along with the certificate of occupancy is not received within the six month period, the deposit will be forfeited.
- (D) This section shall be effective upon adoption by the Town Council.

## **§90.02 OBSTRUCTIONS TO STORMWATER DITCHES AND REQUIRING CULVERTS**

- (A) *Prohibition against obstructions of streets, ditches, and swales.* It shall be unlawful for any person, firm, or corporation to place or cause to be placed any vehicle, structure, object, or material of any kind in any of the streets or rights-of-way of the Town of Bogue which shall obstruct the free passage of persons and vehicles. It shall likewise be unlawful for any person, firm, or corporation to place any topsoil, dirt, debris, trash or other materials on or within any town street rights-of-way, swales or drainage ditches within the town street rights-of-way, which shall block or obstruct the flow of drainage or surface waters within ditches or swales so as to prevent the free flow of water on or over the street rights-of-way of the Town of Bogue or thereby cause flooding or the accumulation of stagnant water and/or saturation of the soils and elevation of the ground water.
- (B) *Required culverts to adjoining properties.* For all new construction or improvements to existing structures and uses which require a driveway connection from a town right-of-way or street to adjoining or abutting property, the owner or developer of the property shall first be required to install a culvert within the ditch or swale providing stormwater drainage for the lot before the construction of the driveway or access. The culvert shall have a minimum diameter of 15 inches and shall be so constructed so that the driveway connection continues to provide the unobstructed flow of water within the swale or ditch as previously allowed prior to the construction of the driveway connection.

## **§90.99 PENALTY**

After the effective date of these regulations, any person who, being the owner or the agent of any land located within the jurisdiction of these regulations, intentionally violates these regulations, shall be guilty of a misdemeanor, for the conviction of which, the maximum penalty permitted by law may be imposed. Each day's continuing violation is a separate and distinct offense.