

# CHAPTER 16. STREETS & SIDEWALKS

MARCH 6, 2015

## **CHAPTER 16. STREETS AND SIDEWALKS**

### **ARTICLE I. IN GENERAL**

- 16.101. Control Over Maintenance and Construction.
- 16.102. Sidewalks. Adjacent Property Owners to Keep Clear.
- 16.103. Same. Parking Prohibited. Exceptions.
- 16.104. Streets. Names. Changes Prohibited
- 16.105. Maintenance of New Streets
- 16.106. Survey Markers Required for New Streets
- 16.107. Garage Sales

### **ARTICLE II. UNLAWFUL ACTS**

- 16.201. Obstructions Prohibited. Permission Required for Exceptions.
- 16.202. Same. Protection by Barricades, Lights.
- 16.203. Dangerous Substances on Streets and Sidewalks.
- 16.204. Merchandise on Sidewalks.
- 16.205. Garbage, Other Solid Waste, Trash, Offensive Matter.
- 16.206. Tree Waste. Removal.
- 16.207. Depositing on Streets, Sidewalks and Drains Prohibited.
- 16.208. Damaging Public Property.
- 16.209. Burning on Streets Prohibited.
- 16.210. Advertising Matter. Painting, Printing on Sidewalks, etc.
- 16.211. Curbing. Breaking, Destroying Prohibited; Permission Required, Entrance to Property.
- 16.212. Draining Water, Other Liquids Onto Streets or Sidewalks Prohibited. Sprinkling.
- 16.213. Lots Draining Toward Sidewalk.
- 16.214. Obstruction of Drains, Ditches, Water Courses, etc.
- 16.215. Doors and Gates Opening onto Sidewalks.
- 16.216. Speaking, Exhibiting, Entertaining on Streets.
- 16.217. Awnings.
- 16.218. Fences. Repairs.
- 16.219. Games in Streets.
- 16.220. Roller Skating. Roller Blading.
- 16.221. Obstructions to Vision at Street Intersections.
- 16.222. Same. Removal.
- 16.223. Same. Town may Remove. Owner to Pay Costs.
- 16.224. Street Lights. Breaking. Removing.

### **ARTICLE III. EXCAVATIONS**

- 16.301. Permission Required. Bond Required.
- 16.302. To be Restored.

- 16.303. Failure.
- 16.304. Danger Signals Required. Lights Required.
- 16.305. Same. Removal.

#### **ARTICLE IV. LITTERING**

- 16.401. Prohibited.
- 16.402. Duty of Business Owners, Occupants.
- 16.403. Duty of Customer.

#### **ARTICLE V. PENALTIES**

- 16.501. Penalty.

### **CHAPTER 16. STREETS AND SIDEWALKS**

Editor's Note. This article derives from portions of Title 5, Chapter 27 of the 1976 South Carolina Code of Laws; and generally accepted municipal practices. (See §5.301, this code, for house numbering.)

#### **ARTICLE I. IN GENERAL**

##### **16.101. CONTROL OVER MAINTENANCE AND CONSTRUCTION.**

- a. The Council shall approve the maintenance of streets.
- b. This section shall not apply to streets under the supervision and control of SCDOT or Spartanburg County.

##### **16.102. SIDEWALKS. ADJACENT PROPERTY OWNERS TO KEEP CLEAR.**

It shall be the duty of all owners of real estate within the corporate limits to keep the sidewalks adjoining their real estate clear and free from grass, weeds, trash and garbage. Sidewalks shall be cleared and the grass and weeds cut and removed.

##### **16.103. SAME. PARKING PROHIBITED. EXCEPTIONS.**

- a. No vehicles shall be parked on any sidewalk.
- b. Exceptions may be made when it is necessary to avoid traffic or when directed by a police officer or a traffic control device. (1976 SC Code 56-5-2530)

##### **16.104. STREETS. NAMES. CHANGES PROHIBITED.**

- a. No person shall name any currently unnamed street or change the name of any existing street except by authority of the Council.
- b. It shall be unlawful for any person to lay out any new street within the municipality without first procuring from the Council approval of the names to be assigned to such new street.

**16.105. MAINTENANCE OF NEW STREETS.**

- a. When any application is made to the Council to assume the maintenance of any proposed new street, the following requirements shall be complied with:
- b. The right-of-way shall be furnished with a minimum width of sixty (60) feet.
- c. Plans and profiles for the proposed street shall be submitted to the Council for review and approval.
- d. When plans and profiles are approved by the Council, the applicant shall cause the street to be constructed to line and grade, the necessary drainage structures installed and adequate inlet and outlet ditches constructed in a manner approved by Council. The approved construction plans shall be submitted to the Council at the time the request to accept the street for maintenance is made.

**16.106. SURVEY MARKERS REQUIRED FOR NEW STREETS.**

In order to avoid disputes which may arise concerning the boundaries of the streets of the town, any person conveying or dedicating any street to the town shall be required, either before or at the time of such dedication, to conduct a survey of said street by a registered land surveyor. A permanent survey marker shall be erected on each corner of said street at the point where it intersects with any other street.

**16.107. GARAGE SALES.**

All garage sales and yard sales in the town shall comply with the following regulations:

1. It shall be unlawful for any person to have a yard sale unless he owns property within the corporate limits and then only on his property, without obtaining a permit from the Town Clerk.
2. It shall be unlawful for any person, not a resident of the town, to have a yard sale within the town limits, unless a property owner gives permission but then only on that person's property.

## **ARTICLE II. UNLAWFUL ACTS**

Editor's Note. This article derives from the 1976 South Carolina Code of Laws; and generally accepted municipal practices and appropriate state statutes.

### **16.201. OBSTRUCTIONS PROHIBITED. PERMISSION REQUIRED FOR EXCEPTIONS.**

- a. It shall be unlawful for any person to interfere with, blockade or obstruct any pavements, walks, streets or paths in the city by placing or allowing to remain thereon any obstruction whatsoever in any manner as to create a hazard.
- b. It shall be unlawful for any person to place any obstruction upon or cause to be obstructed in any manner any street, sidewalk or public way or part thereof, so as to render the passage of persons, vehicles or other travel thereon difficult, inconvenient, dangerous or impossible.
- c. It shall be unlawful to obstruct or blockade any street, highway, public road or traveled place, or any part thereof, by placing or allowing to remain thereon any vehicle not in actual or immediate use, or any other article. This shall include building materials or any other obstruction whatsoever; provided that nothing herein contained shall deprive any person who may be in the process of construction, of the use of a number of feet, not exceeding twenty (20) feet.
- d. Any person building houses or other structures within the town may obtain from the Town Clerk permission for a partial and temporary use of the streets for building purposes.
- e. No permission shall be granted for the placing of a permanent obstruction on any street, highway or other public place.
- f. Any obstruction placed on any street, sidewalk or highway in violation of this section may be removed by police officers of the town or under their supervision.
- g. This section shall not apply to any employee of the municipality, county, state or public utility while such employee is immediately and actively engaged in the maintenance, improvement or construction a of street, sidewalk, public way or utilities.

### **16.202. SAME. PROTECTION BY BARRICADES, LIGHTS.**

While the obstructions provided for in this article remain on any street, sidewalk, highway or other public place, suitable safeguards by day and by night shall be maintained by the contractor, owner or person in charge of the work, for the protection of the public, by roping off, using lanterns and other proper means.

**16.203. DANGEROUS SUBSTANCES ON STREETS OR SIDEWALKS.**

It shall be unlawful for any person to throw or place on any street or sidewalk any glass in any shape or form, tin cans, nails, brick, pieces of iron, sticks or any other substance likely to injure any person, animal or vehicle thereon. (1976 SC Code §57-7~20)

**16.204. MERCHANDISE ON SIDEWALKS.**

It shall be unlawful for any merchant to display merchandise on the streets or sidewalks subject to approval by the Council, it being the intent of the Council that the flow of traffic shall be unhindered by any display of merchandise.

**16.205. GARBAGE OTHER SOLID WASTE, TRASH, OFFENSIVE MATTER.**

It shall be unlawful for any person or persons to throw or cause to be thrown any garbage, other solid waste, trash or other offensive matter onto any sidewalk, street, lot or public place.

**16.206. TREE WASTE. REMOVAL.**

It shall be unlawful for any person trimming trees, on or over any street or sidewalk, to fail to remove promptly any branches, limbs or other waste caused by such cutting, trimming or digging.

**16.207. DEPOSITING ON STREETS, SIDEWALKS AND DRAINS PROHIBITED.**

- a. It shall be unlawful for any person to deposit, discard, dump, sweep or place any trash, garbage or matter or substance of any kind likely to cause injury to any person, animal or vehicle onto streets or sidewalks.
- b. This section shall apply to obstruction of any storm drain or ditches.

**16.208. DAMAGING PUBLIC PROPERTY.**

- a. It shall be unlawful for any person to damage, mutilate or deface any public property within the corporate limits.
- b. This section shall prohibit the erection of anything on public property, without permission of the Council.

**16.209. BURNING ON STREETS PROHIBITED.**

It shall be unlawful for any person to burn any trash, garbage, leaves or refuse matter on the streets and sidewalks.

**16.210. ADVERTISING MATTER, PAINTING, PRINTING SIDEWALKS, ETC.**

No person shall print, paint or in any other way deface the sidewalks, streets, or other public property of the town for advertising or other purposes; provided however, that nothing herein contained shall be construed to prohibit SCDOT, the Police Department or any other department of the town from marking the sidewalks or streets for the purpose of controlling traffic or for any other town purpose.

**16.211. CURBING. BREAKING, DESTROYING PROHIBITED: PERMISSION REQUIRED. ENTRANCE TO PROPERTY.**

It shall be unlawful for any person to break or destroy the curbing of any street, deface the same or to construct any entrance into property on any paved streets, unless such person shall have first obtained permission therefore,

**16.212. DRAINING WATER. OTHER LIQUIDS ONTO STREETS OR SIDEWALKS PROHIBITED. SPRINKLING.**

- a. It shall be unlawful for any person to place, or cause to be deposited any slops, or decayed matter of any kind, from any store or residence or other building so that the same shall fall or flow upon any part of any street or sidewalk. This section shall include dish or foul water from a pit, sink, pipe, gutter or drain leading to a public street.
- b. It shall be unlawful for any person to build, construct, erect or maintain a house or building of any description in such manner that rain water may flow from the roof, eaves, cornices, gutters or other part thereof, down any sidewalk or street so as to cause holes, depressions, unevenness, gullies or other defect or damage to such sidewalk or street. (1976 SC Code 5-7-30)

**16.213. LOTS DRAINING TOWARD SIDEWALK.**

When required by the Council, every person owning any lot which drains toward a sidewalk, shall provide such suitable and proper drainage under such sidewalk as will deliver the gutter and drainage water from such lot to the drainage system of the adjoining streets. (1976 SC Code §5-7-30)

**16.214. OBSTRUCTION OF DRAINS, DITCHES, WATER COURSES. ETC.**

It shall be unlawful for any person or persons to obstruct, or cause to be obstructed, any drains, ditches or water courses within the corporate limits. Every person owning, controlling or in possession of land, through which or through part of which a stream, ditch, gully or any natural drain runs, shall keep the bed of same free from obstructions. They shall not allow any growth of weeds or shrubbery on or along the banks thereof which will prevent sunlight from entering therein. When overflows or floods form pools or "back waters" therein, they shall be promptly drained.

**16.215. DOORS AND GATES OPENING ONTO SIDEWALKS.**

It shall be unlawful for any person or corporation to maintain any door or gate upon his premises so as to swing across or into any sidewalk or street. (1976 SC Code §5-7-30)

**16.216. SPEAKING. EXHIBITING, ENTERTAINING ON STREETS.**

No preaching, lecturing or speaking, exhibition or entertainment of any nature will be permitted on the streets, sidewalks or public ways of the town, unless the Chief of Police has been informed.

**16.217. AWNINGS.**

It shall be unlawful for any person to allow awnings to hang nearer to the surface of the sidewalk than seven (7) feet.

**16.218. FENCES. REPAIRS.**

It shall be unlawful for the owner or owners of lands, or lots of lands, within the corporate limits, to fail to keep in good repair the fences on same, which are adjacent to any street or alley. All dilapidated fences adjacent to streets or alleys are hereby declared a nuisance and may be removed by the town.

**16.219. GAMES IN STREETS.**

It shall be unlawful for any person to play football, baseball, basketball or other games in and upon any street, park or other public place in the town, except in the places provided therefore.

**16.220. ROLLER SKATING. ROLLER BLADING.**

- a. It shall be unlawful for any person to skate on or to use roller skates or roller blades on the streets or sidewalks of the town; provided, however, that children may skate

on the sidewalk within the block in which they reside, but they shall not cross the street.

- b. It shall be unlawful for anyone to ride a bicycle, tricycle, coaster, skateboard, roller skates, scooter or any other wheeled conveyance on a sidewalk in any area of the town zoned General Commercial District (C) or General Business District (C-1), except for the purpose of crossing the same when necessary; provided, however, that this section shall not apply to wheelchairs or other similar devices used by handicapped persons. (See also §18.213, this code for other prohibitions.)

**16.221. OBSTRUCTIONS TO VISION AT STREET INTERSECTIONS.**

On corner lots there shall be no obstruction to vision between a height of two (2) feet and a height of ten (10) feet measured above the average elevation of the existing surfaces of the intersecting streets at their center lines, within the area formed by joining points on the property lines, measured as follows:

1. On property lines abutting streets fifty (50) feet or less in right-of-way width, the points on the property lines shall be not less than twenty-five (25) feet from the lot corner.
2. On property lines abutting streets more than fifty (50) feet in right-of-way width, the points on the property lines shall be fifty (50) feet from the lot corner.

**16.222. SAME. REMOVAL.**

Whenever it shall be determined by the Council that there exists on any privately owned property, located at any street intersection, any tree, bush, shrubbery, plant, fence or other obstruction which obstructs the view of pedestrians or vehicular traffic, interferes with the safe and orderly movement of traffic or creates a dangerous condition, the owner or occupant of such property shall, within ten (10) days after official written notice, remove such obstruction.

**16.223. SAME. CITY MAY REMOVE. OWNER. TO PAY COSTS.**

If any such property owner shall fail or refuse to remove any such obstruction, after written notice to do so, as provided above, the costs of such removal shall be charged to the property owner. It shall be a lien on such property and shall be added to and payable with the taxes on such property.

**16.224. STREET LIGHTS. BREAKING, REMOVING.**

It shall be unlawful for any person to break any lamp or electric light or to remove any electric light bulb or otherwise tamper with street lights.

### **ARTICLE III. EXCAVATIONS**

Editor's Note. This article derives from appropriate state statutes and generally accepted municipal practices.

#### **16.301. PERMISSION REQUIRED. BOND REQUIRED.**

- a. It shall be unlawful for any person, firm or corporation to cut or excavate a street or sidewalk in the corporate limits without having first obtained permission therefore from the town or SCDOT, except in a bona fide emergency situation.  
(1976 SC Code §5-7-30)
- b. Before permission shall be granted for the opening or cutting of any street or sidewalk in the town, the person making application may be required to deposit with the town, a cash bond in a sum as may be estimated by the Council to insure the maintenance of lights and barricades during the period of construction work, the refilling of the opening and the replacing thereof.

#### **16.302. TO BE RESTORED.**

Any such cut or excavation shall be restored according to the standards of SCDOT within a period of twenty-four (24) hours. Upon request, special consideration may be granted by the town or SCDOT due to extreme weather conditions.

#### **16.303. FAILURE.**

In the event that said repair should sink or give away within one (1) year, it promptly shall be repaired by the person, firm, or corporation making the original cut or excavation within seventy-two (72) hours of being notified by the town and/or SCDOT.

#### **16.304. DANGER SIGNALS REQUIRED. LIGHTS REQUIRED.**

- a. It shall be unlawful for any person to allow any trench, ditch or excavation in any street, sidewalk or public place to remain open without a sufficient number of lights or other safety devices properly displayed around same as danger signals to prevent accidents to persons or property.
- b. Adequate lights shall be displayed at night.

#### **16.305. SAME. REMOVAL.**

It shall be unlawful for any person to remove or extinguish any warning device or light which may be placed as a signal during daylight hours, or at night, to warn persons of danger from ditches, trenches, building materials, scaffolds, excavations, impediments or obstacles of any description whatsoever.

#### **ARTICLE IV. LITTERING**

Editor's Note. This article derives from generally accepted municipal practices.

##### **16.401. PROHIBITED.**

It shall be unlawful for any person to throw, drop, cast or deposit upon any street, alley, sidewalk or any yard or premises, public or private, any filth of any kind, or cans, paper, trash, paper containers, rubbish, bottles or any other form of litter or waste matter.

##### **16.402. DUTY OF BUSINESS OWNERS, OCCUPANTS.**

- a. The owner or occupant of any store or other place of business situated within the town shall exercise reasonable diligence at all times to keep his premises clear of wastepaper, wrapping paper, paper napkins, cartons, package containers and other used or waste material thrown or left on said premises by his customers, and to take reasonable measures to prevent same from drifting or blowing to adjoining premises.
- b. Receptacles of sufficient size and number shall be placed on the premises accessible to the customers of such business where the above referred to articles of waste may be disposed of.
- c. Each and every business establishment shall place upon its premises in a conspicuous place or places in close proximity to the receptacle or receptacles above referred to, a sign or signs which shall, in essence, convey to its customers a request that they use such receptacles for the disposal of waste material.

##### **16.403. DUTY OF CUSTOMER.**

It shall be unlawful for any customer going upon the premises of another to, in any manner, dispose of wastepaper, wrapping paper, paper napkins, cartons, package containers and other used or waste materials except in receptacles provided for such purposes.

#### **ARTICLE V. PENALTIES**

##### **16.501 PENALTIES**

The violation of any provisions of this chapter shall constitute a misdemeanor, punishable by the Municipal Court. (1976 SC Code §5-7-30, §14-25-65)