

TOWN OF OAK ISLAND

Development Services

CITIZEN NOTIFICATION



Right-Of-Way Obstructions

Ordinance Sec 26.1 & 28.9

OBSTRUCTIONS IN THE PUBLIC RIGHT-OF-WAY



In an effort to maintain open, safe, and accessible right-of-ways, the Town Council adopted this Citizen Notification Plan as part of the enforcement of the Right-of-Way Ordinances Sec. 26.1 & 28.9.

This brochure is designed to help educate the public concerning the Right-Of-Way Ordinances and its enforcement.



Public safety and maintaining public access are top priorities and will take precedence.

In reviewing observed or reported alleged violations, staff will consider the following:

Does the obstruction create blind spots limiting visibility?



Does it restrict a bicyclist, pedestrian, or vehicle from making an evasive maneuver into the right-of-way to avoid a collision or to let an emergency vehicle pass?



Does it restrict a vehicle from being able to park safely off the road?

Is it within 5 feet from an infrastructure point, such as a fire hydrant or utility equipment?



Does it restrict pedestrians from safely walking in the right-of-way?



Street ends must remain open and free of personal storage.



Ordinance Section: Sec. 26-1. Construction or other improvements within street rights-of-way.

(a) No person or entity, other than the town, shall construct, install, maintain or erect any utility infrastructure, structure, pole, fence, landscaping, vegetation, or other obstruction in any town street right-of-way without having first fully executed a right-of-way encroachment agreement with the town. The following exceptions to the foregoing shall apply:
Mailboxes; Newspaper boxes; Driveway connections; Utility service laterals and stormwater cross drainage piping installed and/or constructed in accordance with town specification.

(b) Except as provided in (a)(1) through (3) above, no person or entity, other than the town or NCDOT, shall construct, maintain or erect any structure, pole, fence or other obstruction within any street right-of-way located, either now or in the future, within the corporate limits of Oak Island that is a part of the state roadway system without having first fully executed a right-of-way encroachment agreement with NCDOT.

(c) Within any municipal or state street right-of-way, the town, or its designee, shall be responsible for repairing or replacing, to equal or better condition, any driveway, stormwater cross drainage piping or walkway within the street right-of-way that is damaged or destroyed by any project, improvements or repair work undertaken or contracted by the town within such rights-of-way.

(d) Property owners shall be permitted to undertake seeding of lawn or other nonstructural improvements and shall be obligated to properly maintain same in the area between the street pavement edge or edge of the traveled way and the property line/right-of-way line, provided such work does not prevent or hinder the allowance of on street parking where such parking is not otherwise prohibited by this Code. Property owners undertaking such improvements shall be responsible for any damage to such improvements that might occur during the course of infrastructure improvements occurring within street rights-of-way by or on behalf of the town or NCDOT.

(e) The provisions of this article shall be subject to enforcement through initiation by the town of criminal or civil proceedings or any other remedy available as provided for under G.S. 160A-175

Ordinance Section: 28-9...obstructing ..public right-of-way

(d) It shall be unlawful for any person to erect any pole, standard or tower, or make or dig any hole or make any excavations or dig into any street, sidewalk, alley, or any thoroughfare dedicated to public use or install any item over or under public right-of-way without first requesting and obtaining from the town public works directors permission to perform such work. It shall be unlawful for anyone to install or erect any apparatus or structure not limited to skateboard ramps or basketball goals, either permanent or portable, adjacent to or on street right-of-way.

(f) No responsibility if removed. In the event of the town or utility companies need to make use of the street right-of-way, the town and/or utility companies shall be permitted to remove the structure and/or landscaping that exist within the street right-of-way and neither the town, utility company, or approved contractor shall be responsible for the repair or replacement of such landscaping, materials, or structures.

(g) Costs for removal. Non-approved landscaping, materials, or structures in the street right-of-way that are deemed to be a public safety hazard, impede traffic and hinder the use or maintenance of public utilities shall be removed at the home-owner's cost.

Notifications of Violations

The first notice of non-compliance will be a courtesy letter notifying the property owner of the violation.

The second notice will reiterate the ordinance violation and give a 30 day deadline to remove the right-of-way obstruction.

And finally if no abatement has been done, the Town will remove the obstruction within its right-of-way at the property owner's cost.

Citizens have the right to appeal any staff determination. The process to file an appeal is through the Board of Adjustment.

For further questions feel free to contact Jake Vares, Planning & Zoning Administrator @ Phone: 910-201-8054 or Email: planner@ci.oak-island.nc.us

Thanks in advance for your anticipated cooperation.