

**Chapter 16 STREETS AND SIDEWALKS**  
**(Updated March 2011)**

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**ARTICLE I. IN GENERAL**

**Sec. 16-1. Throwing wastepaper or trash on streets or sidewalks.**

It shall be unlawful for any person to throw or deposit or permit to be thrown or deposited any wastepaper or trash of any kind on any of the streets or sidewalks of the city.

**Sec. 16-2. Scattering dirt, sand, ashes, etc., from vehicles.**

It shall be unlawful for any person to scatter from any vehicles or otherwise, on the streets of the city, any dirt, rock, sand, ashes, manure, brick, pieces of wood, paper or other material or trash.

**Sec. 16-3. Placing glass, etc., on streets.**

- (a) No person shall throw or deposit upon any street any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such street.
- (b) Any person who drops, or permits to be dropped or thrown, upon any street any destructive or injurious material shall immediately remove such material or cause it to be removed.
- (c) Any person removing a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped upon the street from such vehicle.

**Sec. 16-4. Breaking or removing street lights.**

It shall be unlawful for any person to break any lamp or electric light or to remove any electric light bulb from any of the streetlights within the corporate limits of the city.

**Sec. 16-5. Mutilating sidewalks.**

Any person mutilating or in any way defacing any sidewalk within the corporate limits of the city shall be deemed guilty of a misdemeanor.

**Sec. 16-6. Painting signs on sidewalks.**

It shall be unlawful for any person to paint any sign on any of the sidewalks of the city; provided, however, signs on sidewalks in the city used in connection with a safety or civic improvement program may be permitted in those instances where the location, size and color are approved by the city manager.

**Sec. 16-7. Obedience to "street closed" signs, etc.**

Wherever any street or sidewalk improvements shall be under construction, and barricades erected for their protection and to warn traffic away, or "street closed" signs displayed, it shall be unlawful for any person to disregard such barricades or signs and enter or walk upon any such street or sidewalk, or drive or cause to be driven thereon any animal or vehicle.

**Sec. 16-8. Streets on recorded plats to comply with subdivision regulations.**

- (a) Any and all streets shown on a recorded plat but unopened and not accepted for maintenance by the city or opened and not accepted for maintenance by the city, shall be governed with regard to widths of right-of-way, preparation of road bed, storm drainage, paving and other related matters by the subdivision regulations of the city. No such street shall be accepted for maintenance until such regulations shall be complied with. Provided, however, that the regulation and its requirements shall not apply to a condominium regime.
- (b) The provisions of this section shall also apply to any street which is not subject to the jurisdiction of the planning commission.

**Sec. 16-9. Selling or offering for sale any merchandise,**

**refreshments, etc., on certain city streets prohibited.**

- (a) It shall be unlawful for any person to set or offer for sale any goods, wares, merchandise or refreshments upon the streets of the City adjacent to, bordering or in the vicinity of public playgrounds, parks, ball parks and amusement areas. Provided, however, that this Ordinance shall not apply to an establishment having a current encroachment permit.
- (b) Any person violating this section shall be guilty of a misdemeanor.

**Sec. 16-10. Auction sales on streets prohibited.**

It shall be unlawful for any person to sell or expose for sale at public auction upon the streets of the city any goods, wares, merchandise, stock or other property of whatsoever kind, unless permission has been granted by the proper city official. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

**Sec. 16-11. Use of streets for organized walks and bike races in connection with raising funds or promoting an activity or cause.**

- (a) Any person desiring to use the sidewalks, streets or street rights-of-way in connection with the raising of funds or promoting a civic activity through the use of organized bike races, walks, jogging or other like activity to be conducted at a specified time, in a specified area or over a designated course, shall obtain a permit from the city manager or his designated representative.
- (b) The city manager will issue a permit to any sponsor or organization upon the filing of an application not less than ten (10) working days prior to the beginning of the event intended to be conducted within the sidewalks or streets of the city. The application shall give the following information:
  - (1) Name of organization;
  - (2) Purpose of organization;
  - (3) Purpose of the event;
  - (4) Location or locations;
  - (5) Date of event; and

- (6) Such further information as the city manager may require.
- (c) The sponsor or organizer of any such event intending to use public streets or sidewalks of the city in connection with a publicized promotion or fund-raising activity shall take such safety precautions and measures as may be prescribed by the director of public safety.
- (d) No person shall stop, approach or communicate to an operator of a motor vehicle for the purpose of soliciting funds or promoting an activity or cause. The practice of persons gathering in intersections seeking contributions is prohibited.

**Sec. 16-12. Picketing or patrolling.**

- (a) *Filing information required.* Any person who shall picket, patrol or conduct similar activities in and upon the sidewalks and streets of the city, or on the premises or in front of any factory, store or business establishment in the city or any person immediately directing or controlling such picketing, patrolling or similar activities, shall file with the city, at the office of the Director of Public Safety, not less than twenty-four (24) hours after such picketing, patrolling or similar activity begins, the following information, which shall be prepared in duplicate, the original of which will be left with the Director of Public safety or at his office, and the duplicate will be carried by the individual filing same, at all times:
  - (1) Name;
  - (2) Permanent address;
  - (3) Spartanburg area address;
  - (4) Place being patrolled or picketed, giving street address and street number, if available;
  - (5) Hours and days during which pickets or patrols will be maintained;
  - (6) Purpose of such picketing or patrolling;
  - (7) Name of employer and amount of compensation, if any, to be received for such picketing, patrolling or other similar activity.
- (b) *Date of filing information.* All persons required to file the reports under subsection (a) of this section shall file same in accordance with the terms of this section and, at least once each month, on or before the first day of each calendar

month during the continuance of such picketing, patrolling or other similar activity. The report required hereunder shall be sworn to before a notary public for the state.

- (c) *Penalty for failure to file or filing false report.* Any person failing to file the report required under subsection (a) of this section or any person filing a false report shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with section 1-11. Each and every day during which a person pickets, patrols or conducts such similar activities in front of a business establishment or upon the streets or sidewalks of the city and fails to comply with the provisions of this section shall constitute and be a separate violation.

**Sec. 16-13. Outdoor assemblies.**

- (a) *Permit required.* Any person desiring to hold an outdoor meeting, open to the public, either on public property or on private property, shall secure a permit from the director of public safety.
- (b) *Application for permit.* Any person seeking an outdoor meeting permit shall file a written application with the director of public safety at least fifteen (15) days prior to such outdoor meeting and the application shall set forth the following information:
  - (1) The name and address of the person desiring to hold such outdoor meeting;
  - (2) The date, time and place of such meeting, together with the approximate termination of such meeting;
  - (3) Approximate number of persons expected to attend such outdoor meeting;
  - (4) Any other information that the chief of police should find to be reasonably necessary in order to provide adequate traffic safety precautions and to provide sufficient protection for the health, welfare and safety of the persons attending.
- (c) *Action on application for permit.* The director of public safety shall act upon an application for an outdoor meeting permit within three (3) days after the filing thereof and shall mail to the applicant a notice of approval; or, if the application is denied, shall mail to the applicant a notice of denial, together with the reasons for such denial.
- (d) *Appeal to council on denial of permit.* Any person aggrieved by the denial of the permit required by subsection (a) of this section shall have the right of appeal to the city

council. Such appeals shall be made in writing to the city manager within three (3) days after notice of denial. The council shall act on such appeal within five (5) days.

- (e) *Exemptions from requirement of permit.* The provisions of this section shall not apply to:
  - (1) A governmental agency acting within the scope of its function;
  - (2) Educational or religious activities or events; providing such activity or event is under the immediate direction and supervision of proper school officials.

**Sec. 16-14. Excavations.**

- (a) *Permit.* A permit shall be obtained from the building official for each excavation in a public street before the work is commenced. Work under such permit shall be commenced within forty-eight (48) hours, otherwise the permit shall become void. All permits shall be kept at the place of excavation while the work is being done and exhibited whenever called for by any person having any authority to examine the same. There shall be no more than one-half the width of any street or alley opened or obstructed at any one (1) time; tunneling shall not be allowed and no authorized underground construction shall be injured or interfered with. All portions of the street excavated shall be put in as good condition as before the excavation was made. The trench or excavation shall be refilled, thoroughly remmed and puddled within forty-eight (48) hours after making the connection or repairs. When an excavation is made in any paved street, where it is necessary to remove paving, the person to whom the permit was issued for such excavation shall leave a written notice with the building official and such notice shall state that the excavation has been properly filled, tamped and is ready for repaving. Whenever any person, making any excavation in a street fails to refill, in the proper manner, as required by this section or fails to maintain the same for a period of one (1) year, then the building official shall cause the work to be done and the cost thereof shall be charged against the bond as heretofore provided.
- (b) *Public protection requirement.* It is hereby required that for every excavation made on public property, proper safeguards shall be provided against injury to the public; barricades shall be provided at five (5) feet distance, and such barricades shall completely encircle all open excavations or trenches. All barricades, as required by this section, shall have at least one (1) sign placed thereon in a conspicuous manner, indicating the name of the person, causing such excavation. When approved by the city engineer,

steel plates of sufficient strength may be used to cover excavation to prevent blocking of streets. From sunup to sundown there shall be placed, at a distance of not less than one hundred (100) feet, sufficient numbers of red flags to warn the public of dangerous excavation. From sunset to sunrise there shall be placed at a distance of not less than one hundred (100) feet, sufficient red lights or flambeaux to indicate the length of the excavation in the public thoroughfare and to warn the public of dangerous excavations. In addition to the above, there shall be placed on or by the barricades sufficient red lights or flambeaux to indicate the point of excavation and size.

**Sec. 16-15. Dumping, moving, etc., dirt, gravel, excavated material, etc.**

- (a) *Protection of drainage and water flow.* Any person causing or directing the dumping, moving or placing of any earth, sand, gravel, rocks, stone or other excavated material upon any property in the city shall do so with due regard to existing drainage of water and drainage problems created thereby and shall so construct such fill or dumping to take care of any water which may wash upon any street or public way or upon adjacent property.
- (b) *Overflow onto public or private property prohibited.* No person shall, when hauling any earth, sand, gravel, rocks, stone or other excavated material over any public street, or other public place, allow such materials to blow or spill over or upon such street or place or adjacent private property.
- (c) *Removal of overflow required.* When any earth, sand, gravel, rocks, stone or other excavated material is caused to be deposited upon or to roll, flow or wash upon any public place or way or upon any adjacent property, the person responsible therefor shall cause the same to be removed from such public place or way within two (2) hours or from adjacent property within twenty-four (24) hours. If it is not so removed the director of public works shall cause such removal from the public place or way, and the cost of such removal shall be paid to the city by the person who failed to remove such material.

**ARTICLE II. ASSESSMENTS FOR PERMANENT IMPROVEMENTS**

**Sec. 16-36. Petition by abutting owners; plans and specifications; assessment roll, etc.**

When permanent improvements of any streets or sidewalks in the city are to be made, they shall be done in the following manner: Upon the written petition by, and the consent of, two-thirds in number of the owners of the abutting property upon any streets proposed to be improved, the same to be filed with the city clerk, agreeing to pay in the aggregate not to exceed one-half of the total cost of such improvements of the street, the city council shall, by ordinance, direct the improvement of the street, as follows: The council shall determine the character of material to be used in the improvements to be made and the manner in which the improvements shall be done, shall cause to be prepared accurate plans and specifications therefor, and shall determine the cost of the improvements. Thereupon the city engineer or other person acting in his capacity shall prepare a plat of the street, or part thereof, showing the name of each owner of property abutting thereon, with the location of the property of each, and shall prepare an assessment roll, showing the amount to be assessed against each particular piece or parcel of property abutting on the proposed improvement in proportion to the frontage of such property on the street; provided, however, that the assessments so made shall not exceed, in the aggregate, one-half of the total cost of the improvement. The assessment roll so prepared shall be filed with the clerk of the city council, whose duty it shall be, upon receipt of same, to give notice by publication in a newspaper published in the city, to all parties interested that the assessment roll is in his office and will there remain for a period of one (1) week from the date of the publication of the notice. All persons concerned, during such period of one (1) week, may file in writing with the clerk of the city council such exceptions or objections to the assessment as they may desire.

**Sec. 16-37. Reference of assessment roll to council; review; rejection or ratification.**

At the expiration of one (1) week from the date of the notice of the completion of the assessment roll, the city clerk shall refer the same to the city council, together with such exceptions or objections as may have been filed thereto, and the city council at its next regular meeting or at an adjourned or call meeting, shall review the assessment roll, together with any exceptions, and shall have authority to make any correction therein deemed proper, and, in its discretion, to reject or ratify the same. Upon the ratification of the assessment roll, the city council shall provide for the payment out of the city treasury of one-half of the cost of the proposed improvement.

**Sec. 16-38. Lien.**

Upon the ratification of the assessment roll by the city council, the amount, as shown in the same, assessed against each piece or parcel of property shall constitute a lien thereon from the time of the ratification by the city council, and the payment thereof

may be enforced by the city in the same manner as is the payment of city taxes; provided, that such assessment shall be entered in a book to be kept for that purpose by the finance director, to be entitled "Assessment Liens," stating the name of the owner, the location of the property, the amount of the assessment and the time of payment. Such lien shall continue from the date of the entry of the same on such assessment lien book until the expiration of five (5) years from the date when the final payment is due and payable unless sooner paid.

**Sec. 16-39. Terms of payment; interest, etc.**

When the assessment roll has been ratified in the manner prescribed by section 16-37, each owner of property so assessed may within thirty (30) days after such ratification pay into the city treasury the full amount of the assessment, or shall have the right to have such assessment divided into five (5) equal payments, the first installment thereof shall be due thirty (30) days after the date of the ratification of the assessment roll by the city council, and the remaining installments shall be due in equal amounts, respectively in one (1), two (2), three (3) and four (4) years from the date of the first installment, with interest on unpaid installments at the rate of six (6) percent per annum, payable annually from date until paid in full; provided, that where the permanent improvement of any of the streets in the city is of the type commonly known as surface treatment, the property owner shall have the right to have such assessment divided into four (4) equal payments, the first installment of which shall be due and payable thirty (30) days after the date of the ratification of the assessment roll by the city council and the remaining installments shall be due in equal amounts, one (1), two (2) and three (3) years from the date of the first installment, with interest on unpaid installment at the rate of six (6) percent per annum, payable annually from date until paid.

**Sec. 16-40. Application of payments.**

All appropriations made by the city for permanent improvements under the authority of this article, together with the amounts of such assessment as may be paid in cash by the owners of abutting property within the time herein provided for the payment of assessments in full, shall be applied to the payment of the contractor or other person making the improvements, under contract with the city, on monthly estimates to be approved by the city council.

**Sec. 16-41. Issuance of assessment certificates; form.**

For the assessments made in compliance with this article remaining unpaid at the expiration of the time limit for the

payment of assessments in full, the mayor and city clerk are authorized and required to issue assessment certificates, in the name of the city council, to the amount of such assessments unpaid. Such certificates shall be known as "Paving Assessment Certificates of the City of Spartanburg," and shall be in substantially the following form:

*Paving Assessment Certificates of  
the City of Spartanburg, S.C.*

All requirements of an Act of the General Assembly of the State of South Carolina having been complied with, the City of Spartanburg, S.C., agrees to collect from the property owners abutting on the improvement of \_\_\_\_\_ Street, as provided for in accordance with an ordinance passed the 24th day of March, 1912, and all amendments thereto, which property is, for value received, bound unto the holder of this certificate in the sum of \_\_\_\_\_ dollars with interest thereon at the rate of six per cent per annum, payable annually from this date until paid, payable at the City Clerk's office in the City of Spartanburg S.C., with exchange and collection charges on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

This certifies that the improvements for which this assessment was levied has been ordered by the City Council of Spartanburg, S.C., the same being in compliance with the law and all ordinances pertaining thereto, and owners of the property abutting improvements have acknowledged their indebtedness to the city by the payment in cash of one-fifth of the total assessment against their property, as required by law, and will accept from the City Council of Spartanburg, S.C., as provided by an Act of the Legislature of said State, the privilege of paying the amount still due in four (4) equal annual installments, with interest at the rate of six (6) percent per annum from \_\_\_\_\_, payable annually to the City of Spartanburg, S.C., in accordance with the assessment made and approved on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, fully described and set forth in a record kept by the City Clerk, entitled "Assessment Liens," stating the name of the owner, the location of the property, and the time of payments.

The City of Spartanburg agrees to collect the annual installment which this certificate represents, and to pay, when collected, the amount to the holder thereof.

Issued by us officially under the direction of the City Council on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Mayor.

\_\_\_\_\_  
City Clerk

**Sec. 16-42. Number of certificates.**

There shall be four (4) assessment certificates issued for each separate piece of permanent street improvement, each covering the assessment for one (1) of the years in which the same may be due and payable, each for one-fourth of the total amount of the assessment remaining unpaid at the time limited for the payment of assessments in full or in cash, as prescribed by this article, or in such a manner and in such amounts as may be prescribed by the city council, and the same may be sold at or above par or may be delivered to the contractor on account of the contract price of the work.

**Sec. 16-43. Segregation of assessment fund.**

The amount raised by the assessments provided for by section 16-36, together with the appropriation added thereto out of the city treasury, shall be kept as a separate fund, to be used only for the purpose for which it was contributed and appropriated.

**Sec. 16-44. Satisfaction of lien.**

It shall be the duty of the clerk of the city council, when full payment is made by the owners of the abutting property of the assessments herein provided for, to make entry of satisfaction on the assessment lien book, and thereupon such lien shall be extinguished.

**Sec. 16-45. Authority to borrow and loan funds.**

The city council shall have the right to borrow the amount of money necessary to make such improvements, and to loan to the party owning the abutting property on the improved streets an amount not exceeding one-half the cost of the improvement, such loan to be secured according to law, and to be a lien on the abutting property.

**Sec. 16-46. Abutting owners to make water, gas and sewerage connections.**

All owners of property abutting on any street in the city which hereafter may be paved by the city shall, within twenty-one (21) days next following receipt of notice from the city engineer of the intended paving of such street, make or cause to be made all proper and necessary water, sewerage and gas connections with the mains in the street to be paved which may be necessary or convenient to them, or which, for the purposes of contemplated development or any other purpose, they may deem reasonably necessary, within a period of five (5) years next ensuing the

completion of the pavement of any such street, to the end that the pavements may not be marred, weakened, or their uniformity impaired by cutting for any such connection.

**ARTICLE III.  
ASSESSMENTS FOR PERMANENT IMPROVEMENTS  
TO CORRECT DRAINAGE PROBLEMS**

**Sec. 16-71. Petition; determination of character of improvements; preparation of plans, specifications and cost estimates; preparation of ordinances and assessment roll.**

- (a) Upon the written petition by and the consent of two-thirds in number of the owners of the abutting property upon any stream or dry-stream bed, or any area adversely affected by the runoff of surface waters agreeing to pay a portion of the total cost of the improvements necessary to correct such problems, city council may, by ordinance, direct the construction of permanent improvements as council may deem necessary to correct such problems. Prior to adoption of the ordinance, council shall determine the character of the improvements to be made and shall cause to be prepared accurate plans, specifications and estimates of the cost of the proposed improvements as well as the proportion of the cost of the improvements to be paid by the city which shall not exceed fifty (50) percent.
- (b) Thereafter, the city manager shall cause to be prepared a plat of the affected area showing the name of each owner of the property abutting thereon, the location of the property of each and shall prepare an assessment roll showing the amount to be assessed against each particular parcel of property abutting on the proposed improvements proportioned to the frontage of each parcel on stream or dry-stream bed to be improved.
- (c) The proposed assessment roll shall specify the proportion of the cost of the proposed improvements to be paid by the city which shall not exceed one-half of the total cost of the improvements.

**Sec. 16-72. Filing of assessment roll; notification of property owners.**

The assessment roll prepared as set forth shall be filed with the city clerk whose duty it shall be upon receipt of same to forward a copy of the proposed assessment roll and the plat showing the proposed improvements to every property owner affected thereby. The clerk shall advise all affected property owners that they shall have fifteen (15) days to file written exceptions or objections to the proposed assessment.

**Sec. 16-73. Referral of assessment roll to council; rejection or ratification of roll.**

Upon the expiration of the notice, the city clerk shall refer the proposed assessment roll to the city council together with such exceptions or objections as may have been filed thereto. City council at its next regular meeting, or at a called meeting shall review the proposed assessment roll, together with any objections or exceptions and shall make any corrections therein deemed proper and, in its discretion, reject or ratify same.

**Sec. 16-74. Amount assessed to constitute lien.**

Upon the ratification of the assessment roll by city council, the amount as shown on the assessment roll as assessed against each parcel of property within the project boundary shall constitute a lien thereon from the time of the ratification by city council. The assessment shall be entered in a book kept for that purpose by the finance director to be entitled "Assessment Liens" stating the name of the owner, location of the property, the amount of the assessment and the time of payment. The amount of such assessment shall constitute a lien upon the property assessed from the date of ratification by city council until the expiration of five (5) years from the date when final payment is due and payable unless sooner paid.

**Sec. 16-75. Payment of assessment.**

When the assessment roll has been ratified in the manner described herein, each owner of the property so assessed may, within thirty (30) days after such ratification, pay to the city treasurer the full amount of the assessment and shall have the right to have such assessment divided into installment payments in as many installments and bearing interest at such rate as shall be established by city council in the ordinance ratifying the assessment roll. Payment of such assessment shall be enforced by the city in the same manner as is the payment of taxes. Upon default in the payment of any installment of any such assessment at the time and in accordance with the terms and conditions fixed by ordinance, the total amount of any such assessment then unpaid, including deferred installments and accrued interest, shall immediately become due and collectible as city taxes are collected and with such penalties and costs as are now provided for in the payment of such taxes.

**Sec. 16-76. Entry of satisfaction, extinguishment of lien.**

The city clerk shall be required to make entry of satisfaction on the "Assessment Lien Book" as full payment is made and the lien shall be thereby extinguished.

**Sec. 16-77. Sale, transfer of property before lien extinguished.**

Subsequent to the ratification of the assessment roll, the grantor and grantee of any property or part thereof subject to assessment which is sold or transferred after such assessment before such assessment lien has been extinguished, shall file a written statement with the city clerk within ten (10) days after such sale or transfer setting forth the name of the grantor and the grantee, an accurate description of the property sold or transferred and the date of such sale or transfer.

**Sec. 16-78. Moneys to be kept as separate fund.**

The amount raised by the assessments provided for by this article, together with the appropriation added thereto out of the city treasury, shall be kept as a separate fund to be used only for the purposes for which said funds were contributed and appropriated.

**ARTICLE IV. NUMBERING STREETS AND BUILDINGS**

**Sec. 16-101. All buildings to be numbered.**

All dwelling houses, stores, and places of business of every kind whatsoever on any street or avenue in the city shall be numbered in the manner provided in this article.

**Sec. 16-102. Base and division lines for numbering.**

Upon all streets and avenues the buildings shall be numbered as follows:

- (1) Church Street, north and south, and Main Street, east and west are used as base lines for the numbering system.
- (2) Numbers will be assigned off the base streets on a block basis.
- (3) The first block off the base street will be the one-hundred block, then the two-hundred block, etc., continuing to the city limits.

- (4) Within each block numbers will be assigned in increasing order from the base streets. Numbers will be assigned taking into consideration existing number assignments and future development.
- (5) Each building will be assigned a number. Where a building is divided into separate units, the property owner will designate the subunits by alphabetical letters or other acceptable means.

**Sec. 16-103. System of numbers; official map.**

- (a) Each street or avenue shall be numbered. All streets parallel to Main Street shall be numbered from Church Street each way, and shall have numbers corresponding with Main Street in the same block as far as practicable. Streets running parallel with Church Street shall be numbered from Main Street each way, and shall have numbers corresponding with Church Street numbers in each block as far as practicable.
- (b) When numbering has not already been assigned such as for new streets, the even numbers shall be on the north and west side of the streets. Cul-de-sac streets will be numbered from the street from which they lead.
- (c) The official map showing all assigned street numbers will be maintained in the office of the city engineer.

**Sec. 16-104. Placement of numbers; size.**

- (a) When each house or building has been assigned its respective number or numbers, the owner, occupant, or agent shall place or cause to be placed upon the house or building a number or numbers assigned under the uniform system as provided in this article.
- (b) The cost and installation of the numbers shall be the responsibility of the property owner. Residential numbers used shall not be less than three (3) inches in height and business numbers shall not be less than four (4) inches in height. Numbers shall be made of a durable, clearly visible material and shall be in contrast to the color of the building.
- (c) Numbers shall be put in a conspicuous place immediately above, at the side of, or on the proper door so that the number is clearly visible from the street line. In cases where the building is situated more than fifty (50) feet from the street line, the building number shall be placed near the walk, driveway, or common entrance to the building or upon the mailbox, gatepost, fence, curb, or other

appropriate place so as to be clearly visible from the street line.

**Sec. 16-105. Duty of the property owner to apply for numbers; assignment by city engineer.**

- (a) In the case of all new construction, it shall be the duty of the property owner to apply to the city engineer for assignment of a number for each building or lot. It shall be the duty of the city engineer to assign or cause to be assigned to the owner of each building or lot the proper number and the city engineer shall inform the owner, agent, or person in possession of the premises as to the number assigned.
- (b) No building permit shall be issued for any house or building until the owner has obtained the assigned number or numbers from the city engineer.
- (c) Final approval of any house or building erected, repaired, altered, or modified shall be withheld by the city building official until permanent and proper numbers have been attached or fastened to said structure in compliance with the provisions of this article.

**Sec. 16-106. Changing numbers.**

Where any house or building shall have been numbered or renumbered in accordance with this article, such number shall not be changed or altered without the consent of the city engineer.

**Sec. 16-107. Adjustment and reassignment.**

In any case where numbers have been assigned on any street in pursuance of this article, it shall be the duty of the city engineer thereafter to adjust and reassign such numbers as the same may be required from time to time. In any case where there is a mistake or conflict in numbers the city engineer is hereby authorized to make proper adjustment of the same.

**Sec. 16-108. Penalty for violation.**

A violation of the provisions of this article shall subject the property owner to punishment in accordance with section 1-11.

**Secs. 16-109--16-130. Reserved.**

**ARTICLE V.  
CONSTRUCTION OF UTILITIES AND OTHER PUBLIC WORKS WITHIN STREET  
RIGHTS-OF-WAY AND EASEMENTS\***

**Sec. 16-131. Compliance with article provisions required.**

Any person now owning and operating or installing and operating any utility within the right-of-way of any street in the city, or any person, doing any repair in any street right-of-way shall do so only in accordance with the terms and conditions of this article.

**Sec. 16-132. Definition of "right-of-way" or "easement."**

The term "right-of-way" or "easement" means all of that area presently used, owned or dedicated to or by the city for a street, including sidewalks, curbs, gutters and all other areas of the right-of-way whether or not physically incorporated in the street.

**Sec. 16-133. Relocation of utilities at cost of owner.**

In the event of the abandonment, widening, repair, installation, construction or reconstruction by or for the city of any road, bridge, culvert, traffic signal, street light, water distribution system, sewage collection system, storm drainage system, or any other city facility within a street right-of-way, the owner of any utility shall move, relocate or renew such utility, upon request of the city, when necessary for public safety and welfare and when a suitable relocation site is available, all at the cost and expense of the owner of such utility.

**Sec. 16-134. Street cuts; adoption of state manual on traffic-control devices; traffic-control plan required where work to be in arterial streets.**

- (a) No person, shall cut or dig into and across a street in the city for the purpose of connecting with water, sewer, gas or other mains or pipes in the streets, or for any other purpose by digging or cutting more than half-way across such street until the half which has been cut or dug up shall have been backfilled or plated over with street traffic plates so that one-half of the passageway of the street shall always remain open and free for the uninterrupted passage of traffic. Steel traffic plates shall be used when restoring the pavement cut to allow traffic movement during the period of time when the concrete subbase required herein is hardening to the point where the complete street surface can be restored.
- (b) For the purpose of providing uniformity of traffic-control methods, procedures and devices for the use in connection

with street and highway construction and maintenance operations, the city hereby adopts part V of the South Carolina Manual on Uniform Traffic Control Devices for Streets and Highways-1972, and latest revisions thereof as published by the state department of highways and public transportation, as the governing criteria for the design, placement and use of traffic-control devices for street and highway construction and maintenance operations within the city.

- (c) Any person desiring to perform any construction or other work in any arterial streets in the city limits shall submit a traffic-control plan so as to minimize inconvenience to the public from any construction or other activity within the rights-of-way of any arterial streets. A list of the streets classified as "arterial" streets will be maintained by the engineering department and available for inspection at the time an application for a permit is filed.

**Sec. 16-135. Maintenance of safeguards, barriers and lights near construction activity.**

Every person making or causing to be made any construction ditch or any other excavation, road maintenance, utility maintenance or utility construction in a street right-of-way shall do so in a careful, prudent and professional manner so as to properly safeguard and protect the work site and prevent injury to persons or property in at least the following manner:

- (1) By the placing of substantial and adequate barricades in around and along the sides of the work area;
- (2) By providing and maintaining adequate light to disclose to the public the existence of any construction in the street, whether night or day;
- (3) During the nighttime, by placing at least one (1) blinking light at the end of each work area and placing of other blinking lights spaced at intervals recommended for the traffic speed limit within and adjacent to the construction area;
- (4) By conforming to the barricade installations, traffic-flow controls and lighting as required in part V, sections 3 and 4 of the South Carolina Manual on Uniform Traffic Control Devices for Streets and Highways-1972, and the latest revisions thereof, as published by the state department of highways and public transportation.

**Sec. 16-136. Excavation, backfilling and restoration of service.**

- (a) The width of a trench cut shall be kept to the minimum width necessary to install and properly tamp around the pipe or any other installation. If rock or adverse soil conditions are encountered and shoring is required, then the trench cut shall be of sufficient additional width to provide for the protection of the workers and the proper installation of the pipe or other structure.
- (b) All drain, water, sewer or gas pipes shall be installed in any street, sidewalk or alley of the city so that the pipe will be buried for a depth of not less than two (2) feet.
- (c) When soil conditions permit and there are no conflicting utilities, service lines shall be installed through a jacking process. In the event the jacking procedure is attempted and unsuccessful, then the pipe may be installed using an open cut procedure.
- (d) Before backfilling of any cuts in streets or street rights-of-way, an inspection will be made by the engineering department or other appropriate department of the city.
- (e) All backfill material will be free from cinders, ashes, refuse, vegetable or organic matter, boulders, rocks or stones, or other material which renders same unsuitable to obtain a firm and compact cover for the installed pipe.
- (f) The backfill shall be placed in layers not to exceed six (6) inches in depth and each layer shall be thoroughly compacted to not less than ninety-five (95) percent of maximum dry density as determined by a Standard Proctor Test.
- (g) If a dispute arises as to the suitability of trench compaction, a Standard Proctor test (ASTM D698) shall be made by an independent soil testing firm. If the test reveals that the same has not been made in accordance with this article or the opinion of the inspector, then the cost shall be borne by the person doing the backfill. If the test fails to support the opinion of the inspector, the city will pay the cost of the test.
- (h) Prior to completing the backfilling operation, the pavement cut shall be made six (6) inches wider on each side of the trench cut and shall extend to the depth of the surfacing and base only (six-inch minimum). If the cut is to be repaired by the city, then a temporary patch of either six (6) inches of compacted crusher run stone or a combination of three (3) inches of crusher run stone and three (3) inches of compacted asphalt cold mix may be used.
- (i) All materials shall meet the specifications of the state department of highways and public transportation's Standard Specifications for Highway Construction-1973, or the latest revision thereto.

- (j) Where the existing pavement subbase is soil, soil cement or crushed stone, the base for the permanent pavement repair shall consist of a minimum of six (6) inches of concrete unless an alternate is approved by the city engineer. Where the existing pavement base is concrete, the permanent pavement base repair shall consist of a minimum of six (6) inches of concrete. If the existing pavement surface is asphalt or tar and gravel, then the top one and one-half (1 1/2) inches of the permanent pavement repair shall consist of asphalt, otherwise the surface shall be repaved with concrete.
- (k) Backfill shall be brought up flush with the subbase of the street, sidewalk or alley.
- (l) No new or resurfaced street or road shall be cut within one (1) year from its completion date except in the case of emergency work required by the crews of any authorized utility or communication company or with the approval of the city engineer. Such one-year prohibition shall not apply to any street wherein the city has not given the affected utilities a minimum of two (2) months' written notice that such street will be resurfaced by the city.
- (m) No cuts will be permitted to be opened if, in the opinion of the director of engineering, the cut cannot be backfilled and surfacing restored within the same week, or, if adequate traffic flows cannot be maintained.

**Sec. 16-137. Permit required.**

- (a) Before making a pavement cut or performing any work in a street right-of-way, a permit will be obtained from the public works department except in those instances otherwise provided for in this article. No permit will be required for normal maintenance activities not requiring a pavement cut or the blocking of traffic.
- (b) For new construction, a utility will submit two (2) sets of project construction plans at the time of filing an application for a permit. For new construction in arterial streets, the utility will also submit two (2) copies of a proposed traffic-control plan.
- (c) The construction plans and traffic-control plans will be promptly reviewed and a permit will be issued within three (3) working days after submitting the plans or written comments for revision of the plans to be made by the utility. Revisions will be limited to those areas affecting city facilities or traffic or pedestrian flow and protection. The utility will be responsible for the

engineering and design of its project and the integration of its maintenance and construction on responsibilities.

- (d) In order to expedite the issuance of a permit, a permit may be issued with conditions on construction, work hours and traffic-control initialed on the face of the permit in lieu of requiring revisions in the plans. Upon issuance of the permit, one (1) set of construction plans marked "Approved" and one (1) set of traffic-control plans marked "Approved" will be returned to the utility.
- (e) The fee for a permit for work performed under this article shall be paid in accordance with the public works permit fee schedule on file with the public works department.

**Sec. 16-138. State highway permits recognized.**

The city will recognize any construction permit issued by the state department of highway and public transportation for the work within the rights-of-way of state primary or secondary roads within the city limits. No other permit will be required.

**Sec. 16-139. Definition of "emergency;" permit required for emergency cuts.**

- (a) The term "emergency" shall mean a repair of a utility which must be made to restore service, to avoid property damage or to eliminate a danger to the public. Notice of an emergency pavement cut shall be given to the city by telephone during normal business hours. If the cut is made after normal business hours, then notification shall be given at the beginning of the next business day.
- (b) An application will be made for a permit for all emergency cuts within seventy-two (72) hours after made. For utilities performing their own pavement cut repairs, the permit requirements for emergency pavement cuts shall be considered met with the submission of a "completed pavement cut repair notice" from the utility to the engineering department within seventy-two (72) hours after the cut is made.
- (c) All other provisions of this article shall apply to emergency cuts.

**Sec. 16-140. Cost of restoration of street cuts to be paid to the city.**

- (a) For those utilities not authorized to perform their own pavement cut restorations, the cost of restoring pavement cuts shall be paid to the city on completion of the inspection and measurement of the dimensions of the cut

trench by the engineering department. The cost shall be invoiced by the city to the person performing the cut according to the latest cut restoration fee schedule established by the city.

- (b) The maximum area to be restored by city maintenance crews is seventy-five (75) square feet. Restoration exceeding this limit will be the permittee's responsibility and will be performed in the presence of a city inspector.

**Sec. 16-141. Cuts restored by authorized agencies, utilities.**

- (a) Any utility will be permitted to repair the cuts needed by such utility if it has a permanent maintenance office located within the city. The utility shall file a "pavement cut notice" with the public works department at least three (3) working days before the cut is made and obtain permits as required by this article.
- (b) On all arterial streets in which utilities make their own pavement cut repairs, the base shall consist of a minimum of six (6) inches of concrete and a suitable asphalt topping meeting the requirements of the state department of highway and public transportation's Standard Specifications for Highway Construction-1973, or latest revision thereto.
- (c) All other street cuts shall be as noted in accordance with the provisions of section 16-136.

**Sec. 16-142. Refund of permit fee.**

- (a) If the work for which a permit has been issued is cancelled, the city will refund the amount paid, if requested prior to the beginning of any work and no later than the date on which the permit expires.
- (b) In lieu of a refund, a credit for the amount of the permit fee may be given to the person which may be applied against the cost of a subsequent permit.

**Sec. 16-143. Waiver of permit fee.**

The city may waive the permit fee for all work performed by a governmental agency, whether this work is performed by the employees of the governmental agency or by a private firm or corporation under contract with the governmental agency. However, such governmental agency or private firm or corporation under

contract therewith shall not be relieved of the responsibility for obtaining a permit for work covered in this article.

**Sec. 16-144. Suspension of permit upon failure to comply with the conditions of permit.**

- (a) If a person performing construction fails to perform the construction in accordance with the conditions of the permit or the requirements of this article or existing ordinances of the city, the permit may be suspended and the work stopped until such time as the person performing the work gives assurances to the city of his ability or intention to complete the work in accordance with the conditions of the permit and this article and the other ordinances of the city.
- (b) Any stop work notice shall be delivered in writing to the representative of the person performing the work and shall state the reasons for such notice.

**Sec. 16-145. Establishment of a utility coordinating council.**

- (a) The city manager is authorized to create a utility coordinating council to consist of representatives from Duke Power Company, Piedmont Natural Gas Company, Southern Bell Telephone and Telegraph Company, the Spartanburg Sanitary Sewer District, the water works department of the city, and representatives of the city. In addition, the city manager may invite representatives of other persons, regularly involved in construction work in the streets of the city to attend meetings of the utility coordinating council.
- (b) The council will review future plans and proposed construction schedules for all capital improvements of the city, the state department of highway and public transportation, all utilities and other proposed construction activities in streets.
- (c) The purpose of the review will be to coordinate all construction and reconstruction on an annual basis and to disseminate to all members of the council and other interested persons the proposed construction schedule of all utilities.

**Sec. 16-146. Bonds and insurance.**

Any person making a street cut or performing any construction work in the streets of the city will file a certificate of insurance or a bond which will protect any person against injury or loss or damage occasioned by such street cut or construction work. Such insurance, certificate of insurance or

bond shall be in the minimum amount of one hundred thousand dollars (\$100,000.00) for personal injury and fifty thousand dollars (\$50,000.00) property damage.

**Secs. 16-147--16-170. Reserved.**

**ARTICLE VI. OBSTRUCTIONS AND ENCROACHMENTS\***

**Sec. 16-171. Generally.**

It shall be unlawful for any person to place or cause to be placed any obstruction or impediment in or upon any of the streets of the city so as to hinder or prevent the full, free and uninterrupted passage of the streets or any part thereof without first obtaining the written permission of the city manager to place such obstruction or impediment in or upon such streets.

**Sec. 16-172. Obstructing with goods, merchandise, etc.**

No person shall, for the purpose of exposing any goods, commodities or other articles for sale or exhibit, place or cause to be placed any such goods, commodities or other articles whatsoever, or any table, bench, box or other appendage in any street, lane, or public thoroughfare or on any sidewalk so as to obstruct the same, or at a distance of more than two (2) feet from the doors or walls of the building in which such goods, commodities or other articles are kept for sale or exhibit. Provided, however, that this Ordinance shall not apply to an establishment having a current encroachment permit.

**Sec. 16-173. Building material.**

- (a) *Generally.* When any person shall erect or repair any house or other building upon any street within the city, he shall make application to and obtain the permission of the building official for the use of so much of the street or public way as he may deem expedient, but which shall not exceed the front of the lot on which such building is to be erected, nor extend more than one-half way of the street or public way, or less distance if such space be required to have a free passageway for vehicles and passengers to pass. All remaining material of every kind shall be removed and cleared away as soon as the work is finished or whenever the building official shall require it to be so moved.
- (b) *Safeguarding; maintenance of barriers and lights.* It shall be unlawful for any person to place or cause or permit to be placed on any of the streets, sidewalks or public ways of the city, building materials or other obstruction without

properly safeguarding and protecting the same to prevent injury to persons or property by reason thereof. It shall be the duty of every person placing or causing to be placed any building materials or other obstructions on any of the streets or sidewalks of the city to guard and protect such material by the placing of substantial and adequate railings around and along the sides of such material and to provide and maintain adequate lights to clearly disclose and make apparent their existence and the dangers therefrom in the nighttime. There shall be at least one (1) light placed at each end of the obstruction and one (1) light at every twenty-five-foot interval between.

**Sec. 16-174. Barbed wire fences.**

It shall be unlawful for any person to construct or maintain on any premises along any street, sidewalk or alley of the city any barbed wire or barbed wire fence; provided, however, any person may construct, install or maintain barbed wire at the top of any wood, metal or masonry fence if the barbed wire be located at least five (5) feet from the level of the ground.

**Sec. 16-175. Removal of encroachments and obstructions not provided for by article.**

All encroachments upon any street in the city, and all obstructions in the way of foot passengers or vehicles not specifically provided for in this article, shall be removed by the building official whenever ordered by the city manager, and if it be attended with any expense, the same shall be defrayed by the person so encroaching on the same. Any person so placing obstructions or so encroaching, hindering or preventing the superintendent of streets or director of public safety in the execution of any duty under this section shall be guilty of a misdemeanor.

**Sec. 16-176. Gates.**

All persons erecting or putting up any gates shall hang them so that they will open on the inside of the yard or lot, and not open upon the streets or sidewalks.

**Sec. 16-177. Awnings.**

- (a) It shall be unlawful for any person to erect or put up wooden frames or wooden posts for awnings in any of the streets of the city.
- (b) It shall be unlawful and it is hereby prohibited for any person to place any awning upon any building within the fire

limits of the city without a permit therefor being first obtained in writing from the building official.

**Secs. 16-178--16-200. Reserved.**

#### **ARTICLE VII. SETBACK LINES**

**Sec. 16-201. Streets designated to be widened.**

- (a) Sufficient setback lines shall be established for the purpose of widening the major streets, collector streets and residential streets as shown in Setback Map Book "A." The setback lines shown for streets in Setback Map Book "A" are total widths. The locations of setback lines shall be determined through the use of a scale or through the measurement of one-half of the required setback from the center of the existing right-of-way if such setback is indicated to be centered on the existing right-of-way.
- (b) Sufficient setback lines shall also be established for the purpose of widening the major streets, collector streets and residential streets as shown on Setback Map "B," dated May 28, 1982, which is on file in the office of the planning department. All setback lines for streets indicated for widening on Setback Map "B," which have been prepared to cover that area within the city limits, but outside of the property map area, shall be measured from the center of the existing right-of-way.
- (c) A fifty-foot setback line is hereby established for the purpose of widening all streets within the city not designated on Setback Map Book "A" or Setback Map Book "B." Measurement for this purpose shall be made from the centerline of the existing right-of-way twenty-five (25) feet in each direction.
- (d) Both Setback Map Book "A" and Setback Map Book "B," and all notations, references and other information shown thereon, shall be as much a part of this section, by reference, as if they were fully described herein.
- (e) The Major Street Plan for the widening of the major streets, connector streets and residential streets as shown on Setback Map B dated May 28, 1982, be amended so as to decrease the required setback for East Main Street between Oakwood Street and Heywood Avenue from one hundred (100) feet to eighty (80) feet.
- (f) The Major Street Plan for the widening of the major streets, connector streets and residential streets as shown on Setback Map B dated May 28, 1982, be amended so as to

decrease the required setback for Dewey Avenue between N. Church Street and Peace Street from sixty (60) feet to thirty-five (35) feet.

- (g) The Major Street Plan for the widening of the major streets, connector streets and residential streets as shown on Setback Map B dated May 28, 1982, be amended so as to decrease the required setback for East Main Street between North Converse Street and Zion Hill Road from one hundred (100) feet to eighty (80) feet.
- (h) That the Major Street Plan for the widening of the major streets, connector streets and residential streets as shown on Setback Map B dated May 28, 1982, be amended so as to decrease the required setback for North Pine Street between the City Limits and to 500 feet south of McCravy Drive from 150 feet to 100 feet.

**Sec. 16-202. Permit required before building or repairing buildings in area established as specified setback lines for major streets, collector streets, etc.**

It shall be unlawful for any person to erect or construct any new building upon the space that is included in the territory within the specified setback lines for major streets, collector streets and residential streets as designated in this article, and it shall be unlawful for any person to make any alterations or repairs to any residence or building which covers any part of the territory within the specified setback lines; provided, however, the building official may issue a building permit for such alterations or repairs as may be required to keep the structure in a good state of preservation; provided, that such alterations or repairs do not change the general outside dimension of the structure; and further, provided, that such alterations or repairs do not constitute any structural alterations to the structure. In no event shall the building official issue a building permit for the construction or erection of any new building within the territory declared to be needed for future street widening purposes.

**Sec. 16-203. Procedures for acquisition of additional right-of-way upon lot or area on which setback lines have been established.**

Whenever a new building is to be erected or constructed upon any lot or area on which property setback lines have been established, the owner shall not place, or cause to be placed, any part of any building on the space to be covered by the broadened street, and such owner may then dedicate to the city the space or portion of his lot in the broadened boundary of such street, or if he will not dedicate the same to the city, he may submit to the city council a written proposition naming the price

and the terms upon which he will sell that portion of his lot included with the setback lines established by this article. If the owner of the lot and the city council cannot agree upon a price for the portion of the property thus to be added to the street as provided in this article, the city council may at any later date initiate condemnation proceedings or may accept dedication by the owner to the city of that space or portion of his lot so affected.