

ORDINANCE NO. 2020-01

**AN ORDINANCE OF THE TOWN OF PINEVILLE, NC
AMENDING CHAPTER 94, SECTION 94.047,
UTILITY FACILITY INSTALLATION, MAINTENANCE, REPAIR,
AND REMOVAL TO INCLUDE ADDITIONAL REGULATIONS**

WHEREAS, the Town of Pineville finds it necessary to amend its ordinance at Title IX: General Regulations, Chapter 94, Streets, Sidewalks and Public Places, to strengthen regulations pertaining to the installation, maintenance, repair and removal of utility facilities in its rights of way.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PINEVILLE, NORTH CAROLINA:

SECTION 1. that Chapter 94, Streets, Sidewalks and Public Places is amended to add the following to section §94.047, Utility Facility installation, maintenance, Repair and Removal:

§ 94.047 UTILITY FACILITY INSTALLATION, MAINTENANCE, REPAIR, AND REMOVAL.

(A) The Town Council or its designee is authorized to adopt, amend, and repeal standards and provisions governing the installation, maintenance, repair, and removal of utility facilities in, on, under, and over the rights-of-way. The standards and provisions shall, among other things, specify those types of activities that: (i) require a utility work permit; (ii) do not require a utility work permit but must be done in accordance with the standards set forth in the standards and provisions; and (iii) are exempt. The standards and provisions shall also address emergency situations and activities.

(B) It shall be unlawful to install, maintain, repair, or remove any utility facility in the right-of-way in violation of the standards and provisions adopted pursuant to division (A).

(C) It shall be unlawful to install, maintain, repair, or remove any utility facility in the right-of-way without a utility work permit if the standards and provisions adopted pursuant to division (A) require a utility work permit for such activities.

(D) Any owner of utility facilities located in the right-of-way shall maintain a map of such facilities.

(Ord. 2008-01, passed 9-9-2008)

(E) Where underground utilities such as cable, power, gas, and water are located and marked within any road right of way the following shall apply for signage, markers, identification and similar:

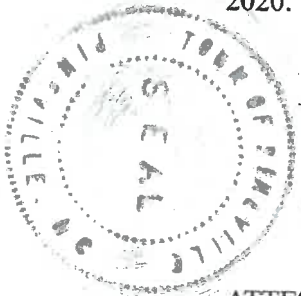
- (1) Where existing wood utility poles are located any new or revised utility sign shall co-locate on existing poles. Co-located utility pole signage shall not exceed one square foot each in size and signage should be a minimum of three hundred (300) feet apart.***
- (2) Any underground utility signage located abutting a parcel of land that is developed and completed such as with an existing valid Mecklenburg County Certificate of Occupancy; not utilizing item (1) above, if possible shall be limited to flat ground mounted signage installed on top of a handholes or vault so as to permit a lawn mower to drive over unobstructed. Flat ground mounted signage shall not exceed half a square foot of signage each and be a minimum of three hundred (300) feet apart.***
- (3) Any underground utility signage located abutting a parcel of land that is***

developed and completed such as with an existing valid Mecklenburg County Certificate of Occupancy; not utilizing item (1) and (2) above where possible, shall be permitted to use a customary round dome utility marker post. Round dome utility marker post shall not exceed 4 (four) inches in diameter nor exceed twenty-six (26) inches above ground nor be placed closer than three hundred (300) feet apart.

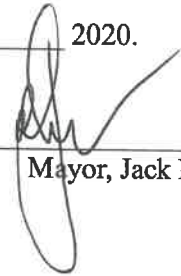
- (4) Any underground utility signage located abutting a parcel of land that is vacant or under construction without a valid and completed Mecklenburg County Certificate of Occupancy shall utilize item (1) and (2) above where possible. Where (1) and (2) above are not possible customary round dome utility marker post are permitted. Round dome utility marker post shall not exceed four (4) inches in diameter nor exceed twenty-six (26) inches above ground nor be placed closer than three hundred (300) feet apart.*
- (5) Section E above shall exclude customary temporary underground utility markers such as mini-flags, marking paint and similar in place for thirty days or less.*
- (6) Section E above shall exclude customary warning and identification signage on active utility fixtures such as electric transformers, gas meters, cable boxes, utility handholes, pedestals, remotes and similar.*
- (7) Violations shall be removed and subject to penalty per violation see §10.99 General Penalty*

(Ord. 2020-01, passed 5-12-2020)

SECTION 2. This section of the Ordinance shall become effective on May 12, 2020
2020.



ADOPTED this 12th day of May 2020.



Mayor, Jack Edwards

ATTEST:



Town Clerk, Barbara Monticello