

**TOWN OF HOLDEN BEACH  
ORDINANCE 18-08**

**AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES, CHAPTER 95:  
STREETS (SECTION 95.05 STREET RIGHTS-OF-WAY)**

**BE IT ORDAINED BY** the Mayor and Board of Commissioners of the Town of Holden Beach, North Carolina that the Holden Beach Code of Ordinances, Chapter 95: Streets be amended as follows:

**Section One:** Amend Section 95.05 Street Rights-of-Way as follows (new wording in red):

**95.05 STREET RIGHTS-OF-WAY.**

(A) The purpose of this regulation is to establish what may be placed in street rights-of-way which are cleared by installation or repair of utilities, streets, or walkways. This regulation is not intended to remove or destroy landscaping or structures which are presently in place. Landscaping in street rights-of-way:

- (1) Must not present a safety hazard;
- (2) Must not impede traffic;
- (3) Is placed at the risk of the individual; and
- (4) Is encouraged.

('85 Code, § 14-2)

(B) The ten feet of rights-of-way nearest the pavement or road bed shall remain clear of all items with the following exceptions:

- (1) Mailboxes, newspaper boxes, **post and rope not to exceed 24" from grade.**
- (2) Grass, an approved pervious product or vegetation not to exceed one foot in height.
- (3) The properties located at 1189, 1190, 1191 and 1192 Ocean Boulevard West may install or place a fence within the right-of-way.

'85 Code, § 14-2.1)

(C) The area of the rights-of-way beyond ten feet of the pavement or road bed:

- (1) May be landscaped by the abutting property owner provided § 157.081 of the zoning code is complied with.

(2) Shall be kept clear of all other manmade structures not used in landscaping with the exception of fences.

('85 Code, § 14-2.2)

(D) The town has no responsibility to protect any items, authorized or unauthorized, which are placed in street rights-of-way. Improvements are made at the owners risk and may be destroyed or damaged during walkway, street, and utility installation or maintenance. Items deemed to be a safety hazard or to impede traffic will be removed by the town.

(E) All existing concrete within the right-of-way that is removed for any reason cannot be replaced.

**Section Two:** The Town Clerk is directed to forward this ordinance to American Legal Publishing for inclusion in the next published supplement to the Holden Beach Code of Ordinances.

**Section Three:** This ordinance shall be effective the 18<sup>th</sup> day of April, 2018.

Adopted this the 17<sup>th</sup> day of April, 2018

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J. Alan Holden, Mayor

ATTEST:

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Heather Finnell, Town Clerk