

TOWN OF WEAVERVILLE

POLICY CONCERNING STREET STANDARDS AND

ACCEPTANCE OF PRIVATE STREETS

Sec. 1. – Public Street System – Town Council Discretion

The Town of Weaverville maintains a public street system which includes streets and sidewalks that are publicly maintained and open for use by the public. The public street system also includes curbing and storm drainage systems that are connected or related to the streets.

In its sole discretion the Weaverville town council has the authority and right to determine the location and extent of its public street system and which streets and related infrastructure are to be publicly maintained by the town. Nothing contained in this article should be construed as a limitation on the absolute discretion of town council with regard to the town's street system.

Regarding the town's public street system, town council may consider, but is not limited to, the following factors:

general operational needs of the town, general fiscal needs and financial standing of the town, town strategic plans, comprehensive land use plans, economic development, traffic patterns, traffic or transportation plans, interconnectivity to other public streets, location of street, length and width of street and right-of-way area, topography and slope, number and types of uses along the street, affordable housing considerations, standards of construction of street and related infrastructure, anticipated cost of maintenance and repairs to the street, cost of maintenance of the public street system as a whole, any other factor found by town council to be reasonable.

Sec. 2. – All Streets are Private Unless Accepted into a Public Street System

All streets are private unless accepted into a public street system. The notation of a "public street" on a recorded plat serves only as an offer of dedication for that street for public use. A developer/owner cannot obligate the town to take over a street. The approval of a plat shall not be deemed to constitute or affect the acceptance of the town or by the public of the dedication of any street or related infrastructure shown on the plat. Streets remain private until the town (or other public road system such as North Carolina Department of Transportation) formally accepts the street into its public street system.

Sec. 3. – Private Street Standards

The minimum streets standards for all private residential streets constructed within the town are the standards set forth in the North Carolina Department of Transportation

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Subdivision Road Minimum Construction Standards, as the same shall from time to time be amended.

Streets, including internal circulation streets within parking lots, serving multi-family residential, institutional, commercial and industrial uses and manufactured home parks, and any other use except for residential, must be constructed in such a way as to allow reasonable access for the anticipated traffic associated with the specific use being served and for ease of emergency access.

For all private streets constructed within the town, the requirements of the North Carolina Fire Prevention Code as adopted by the Town of Weaverville and as the same may from time to time be amended, applicable for the specific use of the property served, must be complied with.

Sec. 4. – Public Street Standards

Ownership and maintenance of public streets is costly and it is in the town's public interest to insure that streets accepted into the town's public street system are well constructed so that the useful life of each street is maximized. The town's public street standards as are on file at the public works department are hereby readopted for all streets that are to be accepted into the town's public street system.

In addition, the requirements of the North Carolina Fire Prevention Code as adopted by the Town of Weaverville and as the same may from time to time be amended, applicable for the specific use of the property served, must be complied with for all streets that are to be accepted into the town's public street system.

Sec. 5. – New Streets

In order for any proposed street to be eligible for acceptance into the town's public street system, it must first make a declaration as required by Sec. 7 and make application for a public street commitment as set out in Sec. 8.

To be eligible for acceptance into the town's public street system, a street and its related infrastructure must be constructed in accordance with the town's adopted public street standards, as the same may from time to time be amended. In addition, the requirements of the North Carolina Fire Prevention Code as adopted by the Town of Weaverville and as the same may from time to time be amended, applicable for the specific use of the property served, must be complied with.

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Site visits and observations by the public works department and town review of certain test results are required at the completion of certain critical phases of the street system construction including specifically the following:

- (a) On-site review of site clearing and grubbing prior to grading;
- (b) On-site review of grading and fill operations and review of compaction test results on all fill areas under the roadway;
- (c) On-site review of storm drainage system and review of compaction test results of the storm drainage trench;
- (d) Review of compaction test results for all utilities installed in the roadway;
- (e) On-site review of curb/curb and gutter, sidewalks, and drive entrances;
- (f) On-site review of proof-rolling of the sub-grade material;
- (g) On-site review of installation of the ABC stone base and review of compaction test results;
- (h) On-site review of proof-rolling of the stone base; and
- (i) On-site review of asphalt paving and review of compaction test results.

The developer/owner must notify the public works department at each of the above phases in order to allow the Town's public works department the opportunity to review the work. Failure on the part of the developer/owner to notify public works at each of these critical construction phases may disqualify a street from eligibility for acceptance into the town's public street system or may cause work to have to be uncovered and redone at the expense of the developer/owner.

Sec. 6. – Streets Serving Multi-Family Residential, Institutional, Commercial and/or Industrial Uses or Manufactured Home Parks

All streets, including internal circulation streets within parking lots, serving multi-family residential, institutional, commercial or industrial uses, or manufactured home parks, will remain private unless, in town council's discretion, such streets further a significant public interest.

For the purposes of this policy multi-family residential is defined as any multi-family dwelling with 5 or more residential dwelling units. The definitions included in Town Code Sec. 36-5 shall apply and the use categories set out in the table of uses contained in 36-105 can be used as a guide in determining whether a specific use is institutional, commercial, or industrial.

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Sec. 7. – Developer/Owner Declaration Concerning New Streets

Prior to development approval, developers/owners constructing new streets must declare whether they will be requesting that the new streets be accepted into the town's public street system or are to remain private. Requests for acceptance into the public street system must follow the procedures for a public street commitment as set out in this article and such commitment must be decided prior to development approval.

Streets that are declared to be private will not be observed by town representatives and will not be eligible for inclusion into the public street system.

Sec. 8. – Public Street Commitment

If a developer/owner wishes to have a street accepted into the town's public street system then the developer/owner must request a public street commitment letter in accordance with this section.

- (a) Application for public street commitment – A developer/owner that desires a public street commitment shall submit such request in writing on such forms and in such detail as prescribed by the town manager.
- (b) Processing fee – At the time of requesting a public street commitment letter, the applicant shall pay to the town a nonrefundable processing fee in the amount set forth in the town's adopted fee schedule.
- (c) Staff review and recommendation – Upon receipt of an application, town staff shall evaluate the request and make recommendations to town council, including any recommended conditions to be included in the commitment letter.
- (d) Town council action – Town council shall consider and take action to either decline acceptance or to issue a declaration of intent to accept streets upon condition that streets be constructed to Town standards with required periodic Town inspections, and/or other conditions as deemed necessary by town council.
- (e) Issuance of street commitment letter – Upon town council approval the town manager will issue a street commitment letter outlining the conditions imposed and requirements for town verification of compliance with conditions and requirements, and applicable time limits. The street commitment letter is transferable by the applicant, but is only valid for the original project and for streets and related infrastructure that are the same as or substantially similar to what was originally proposed.
- (f) Expiration, termination, and revocation of public street commitment letter –
 - (1) A public street commitment is valid for one (1) year from its issuance but, upon request, may be extended for an additional one (1) year period by the town manager upon a showing of good reason for the delay.

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- (2) Once construction of a street has begun the developer/owner must use reasonably diligent efforts to complete the construction of the street in a reasonable time. If more than one (1) year elapses from the commencement of construction without any work being done on the street, then the street shall be deemed abandoned and the commitment letter shall terminate.
- (3) If a developer/owner fails to call for on-site observation of critical construction phases by town representatives or conduct the required testing, or if town standards have not been met then the public works director shall report such information to town council and the public street commitment letter is subject to revocation by town council.
- (4) The developer/owner will be given an opportunity to be heard by town council concerning termination or revocation of the public street commitment letter.

Sec. 9. – Existing Private Streets

- (a) Private streets existing as of January 27, 2020, may be eligible for acceptance into the town's street system but must submit an application for a public street commitment letter in accordance with Sec. 8 above, prior to May 1, 2020.
- (b) If an application for a public street commitment letter for an existing private street was not submitted in writing prior to May 1, 2020, then that existing private street is ineligible for acceptance into the public street system.
- (c) For private streets that were not observed by town representatives during critical construction phases, acceptance may be conditioned upon supplemental review and testing at the developer/owner's expense to verify that town public street construction standards were complied with and repair work to bring those streets up to town public street standards.
- (d) Supplemental testing and inspection to determine whether town public street construction standards were met may include any or all of the following or other items as required by town council:
 - (1) Public works director, or his/her designee, and town attorney review all recorded plats showing width and location of reserved rights-of-way for streets, sidewalks, and storm drainage to confirm adequacy of right-of-way;
 - (2) Public works director, or his/her designee, to review live video feed of the entire length of the storm drainage system showing clear lines or identifying areas that need to be repaired by developer/owner (see subsection (b) below concerning repairs);

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- (3) Public works director, or his/her designee, to review all engineering plans for all phases of construction of street and roadbed in order to determine fill areas so that public works can determine where core drill testing needs to be conducted;
 - (4) Developer/owner to conduct core drill testing of concrete/asphalt, stone base, and soil subgrade for all sidewalks, curb and gutter, and pavement, at minimum 100-foot intervals at locations determined by public works;
 - (5) Testing lab, selected by public works, to determine compaction of asphalt, stone base, and soil subgrade, and strength of concrete, for all core drill samples and report findings to developer and public works;
 - (6) Public works director, or his/her designee, to review findings and determine if any problem areas exist;
 - (7) If problem areas are identified, developer/owner to conduct additional core drill testing in problem areas with testing to occur at closer intervals and at such locations as determined by public works;
 - (8) Testing lab, previously selected by public works, to determine compaction of asphalt, stone base, and soil subgrade, and strength of concrete, for all additional core drill samples and report findings to developer and public works;
 - (9) Based on the final testing results the public works director, or his/her designee, to determine what repairs are necessary to bring streets and/or related infrastructure up to town standards.
- (e) All supplemental testing and inspections must be completed within 3 months of the issuance of a public street commitment. Failure to complete such testing within this prescribed time limit will result in the automatic expiration of the commitment with or without notice to the developer/owner.
- (f) All repair work necessary to bring a street up to town public street standards must be completed within 6 months of the completion of the testing or within 9 months of the issuance of the public street commitment letter, whichever is sooner. Failure to complete such testing within the time prescribed will result in termination of the commitment unless good cause can be shown and the time allowed for repair is extended by town council.
- (g) For all repair work undertaken the developer/owner is to notify public works in advance so that a public works representative can be present on site during the repair work.

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Sec. 10. – Report and Recommendation of Public Works Director

Prior to town council's acceptance of any street and related infrastructure into the public street system, the public work's director shall submit a report and recommendation for town council's consideration. The report should address the developer/owner's compliance with any conditions or requirements stated in the public street commitment letter. The report should also include a recommendation as to the amount of a reasonable repair guaranty.

Sec. 11. – Warranty and Repair Guaranty.

As a condition of acceptance into the public street system, all streets and related infrastructure shall be warranted by the person, corporation or company making the improvements for a period of two (2) years from the date of final approval which warranty shall be in writing and include an indemnification clause, agreeing to indemnify and hold the town harmless from any such claims during the two-year warranty period. As a condition of acceptance into the public street system, the developer/owner shall be required to submit a repair guaranty in a reasonable amount set by town council for three (3) years following the warranty period.

Sec. 12. – Street Right-of-Way Plat.

Once the street and related infrastructure, or any required repair work, are completed and approved by the public works department, developer/owner shall provide to the public works department a proposed recordable plat showing the as-built streets and related infrastructure and the right-of-way to be conveyed.

The public works director, planning director, and town attorney are to review the proposed plat to determine its adequacy and provide recommendations as they deem appropriate to town council.

Sec. 13. – Formal Acceptance of Street and Related Infrastructure.

Once the street and all related infrastructure have been completed, the right-of-way plat has been prepared and approved by the public work's director, planning director, and town attorney, and the public work's director has prepared and submitted his/her report and recommendation, or at any other time requested by the developer/owner, the town manager will put the request for acceptance on the next available town council meeting so that town council can consider the request.

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Town council will be asked to consider acceptance of the street and related infrastructure into the Town's public street system.

Sec. 14. – Post Acceptance Recordation.

If accepted and approved by town council, developer/owner must, at its expense, record the approved plat and convey the right-of-way by deed to the town in a form approved by the town attorney.

Sec. 15. – Limitation of Town Representative Responsibility.

Participation of town representatives in any on-site review or observation is for town purposes only and should not be relied upon by the developer/owner for engineering inspection and certification purposes.

Sec. 16. – Appeal of Administrative Decisions

Any administrative decision concerning the public street system is appealable to town council. Such an appeal must be submitted in writing to the town clerk within 30 days of the administrative decision and the writing must include the reasons for or basis of the appeal.

Sec. 17. – Subsequent Enactment and Codification of this Policy

Town staff is directed to draft and present to town council such amendments to Town Code as are necessary to enact as law and codify this policy with an effective date of May 1, 2020.

ADOPTED this the 27th day of January, 2020, by a unanimous vote of Town Council.

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Allan P. Root, Mayor