

**City of Gastonia**  
**Driveway & Right-of-Way**  
**Permitting**

**ARTICLE II. CURBS, STREETS, DRIVEWAYS AND EXCAVATIONS**

**Sec. 7-21. Curbing installation, sidewalk or street paving.**

(a) Except as otherwise provided in this section, no person may install any curbing or pave any sidewalk or street within the city without having obtained a written permit from the administrator.

(b) Before granting a permit pursuant to this section, the administrator shall determine that the installation and paving shall be made in accordance with the city's specifications. (Code 1982, § 7-14)

**Sec. 7-22. Driveways.**

(a) *Except as otherwise provided in this section, no person may open, construct, alter, or relocate any driveway across any public sidewalk or into any street, or cut any curb for such purpose without having obtained a written permit from the administrator.*

(b) Any person who receives a permit under this section shall be responsible for repairing any damage to the sidewalk or street (including curb and gutter) caused by the driveway construction.

(c) The administrator shall review the driveway construction and design plans and shall issue the permit unless he finds the driveway, if constructed as proposed, will substantially interfere with or pose a danger to (i) persons using the street or sidewalk intersected by the driveway or (ii) public facilities (including utility poles, traffic signal standards, etc.), or will fail to comply with the specifications of the city or any of the provisions of this section.

(d) No driveway may be constructed closer than three feet to a fire hydrant or catchbasin or closer than 20 feet to the right-of-way line of a street that intersects with the street the driveway opens onto.

(e) No driveway may be constructed closer than 2.5 feet to a property line at the point where the property line intersects with the right-of-way line of a street that the driveway opens onto.

(f) If the driveway crosses a drainage ditch on a lot that abuts a street without curb or gutter, then piping of sufficient size and strength (as approved by the administrator) shall be installed beneath the driveway surface so that the drainage capability of the drainage ditch is not materially impaired.

(g) If the driveway crosses a drainage swale on a lot that abuts a street without curb or gutter, the driveway may conform to the contours of the drainage swale without compliance with subsection (f) (upon approval of the administrator) so long as the drainage capability of the drainage swale is not materially impaired.

(h) Any person paving a private driveway that intersects with or opens onto a public street shall make the pavement of such driveway connect with and conform to the street and sidewalk cross sections in accordance with the specifications of the administrator.  
(Code 1982, § 7-15)

**Sec. 7-23. Excavations.**

(a) Except as otherwise provided in this section, no person may dig or excavate in any street or sidewalk within the city without having obtained a written permit from the administrator.

(b) Any person who receives a permit in accordance with this section shall be responsible for putting the street or sidewalk where any excavation is made in as good condition as it was prior to the excavation.

(c) Before granting a permit pursuant to this section, the administrator shall determine that the applicant has made arrangements to comply with subsection (b). The city may authorize the applicant to do the necessary repair work or have it done, but in all cases repairs shall be made in accordance with the city's specifications and at the expense of the applicant.

(d) In the event that excavation repair work is performed by or under the direction of the applicant, such person shall fill the excavation and tamp the earth of such fill every six inches to the surface of the street or sidewalk. If such excavation or fill should thereafter sink or recess below the surface of the street or sidewalk excavated, and the city should thereby be required to perform additional repair work, such work shall be done at the expense of and be charged to the applicant.

(Code 1982, § 7-16)

**Sec. 7-24. City indemnified.**

Any person obtaining a permit authorized by section 7-21 (Curbing Installation, Sidewalk or Street Paving), section 7-22 (Driveways) or section 7-23 (Excavations) agrees as a condition of the permit to indemnify the city for and hold the city harmless from any expense (including but not limited to attorney's fees, litigation costs and judgments) incurred as a result of claims made for damages arising out of operations conducted by the permit recipient pursuant to the permit.

(Code 1982, § 7-17)

**Sec. 7-25. Insurance requirements.**

**Notwithstanding any other provision of this article, the administrator may require that, before a permit is issued under sections 7-21, 7-22 or 7-23, the applicant or the person performing the work provide proof that he has in effect with an insurance company licensed by the insurance commissioner of this state public liability and property damage insurance in amounts determined by the administrator to be adequate to provide reasonable protection to persons and property, given the nature and location of the work proposed.**

**Note: Insurance shall include completed operations coverage of not less than \$50,000 property damage for each occurrence, and bodily injury of not less than**

**\$100,000 per person, and not less than \$300,000 for each occurrence covering act and work to be performed under such permit.**

**Additionally, and pursuant to 6-126 (6): No driveway will be constructed so that it allows, facilitates, or encourages parking in the street right-of-way.**

(Code 1982, § 7-18)

Secs. 7-26--7-35. Reserved.