

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 11-01-2024

AN ORDINANCE AMENDING THE NEWBERRY COUNTY CODE OF ORDINANCES, CHAPTER 91, EXPANSION OF THE COUNTY ROAD SYSTEM, RENAMING THE CHAPTER “NEWBERRY COUNTY CODE OF ORDINANCES CHAPTER 91 – ROAD AND DEVELOPMENT DESIGN”, ADOPTING STANDARDS FOR THE DEVELOPMENT AND DESIGN OF ROADS AND BRIDGES ACCEPTED INTO THE NEWBERRY COUNTY PUBLIC ROADS SYSTEM, AND PROVIDING FOR THE REPEAL OF ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT NECESSARY TO GIVE THIS CHAPTER FULL FORCE AND EFFECT.

WHEREAS, the South Carolina General Assembly enacted an amendment to the Code of Laws of South Carolina to incorporate therein a new Chapter 29 to Title 6 of the Code of Laws of South Carolina, 197, as amended, entitled “South Carolina Local Government Comprehensive Enabling Act of 1994” which repealed certain previously-enacted planning acts and codes; and

WHEREAS, the 1994 South Carolina Local Government Comprehensive Planning Enabling Act, as amended, and other applicable provisions of the South Carolina Code of Laws, as amended, gives the County of Newberry the authority to protect and promote the public health, safety, and general welfare of the County by providing for the safe and efficient design of roads and developments in Newberry County; and

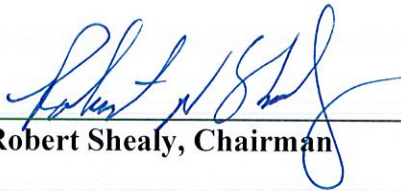
WHEREAS, Newberry County Council desires to require that new or expanded roads and developments meet safety and construction requirements before acceptance into the Newberry County Public Roads System; and

WHEREAS, existing roads that previously met applicable requirements and have been accepted and maintained by the County prior to the enactment of this Ordinance are not affected.

NOW, THEREFORE BE IT ORDAINED by the County Council of the County of Newberry, in Council duly assembled this 8th day of January 2025, that the provisions of *Newberry County Code of Ordinances Chapter 91 – Road and Development Design* are hereby adopted.

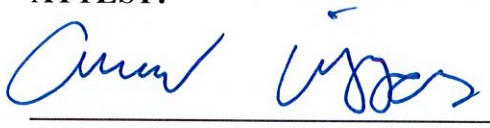
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NEWBERRY COUNTY
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ELIZABETH P FOLK
CLERK OF COURT

NEWBERRY COUNTY COUNCIL

BY: 
Robert Shealy, Chairman

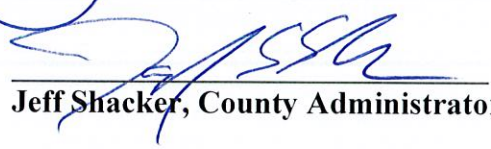
(SEAL)

ATTEST:


Andrew Wigger, Clerk to Council

Approved as to form:


Joanie Winters, Interim County Attorney


Jeff Shacker, County Administrator

1st Reading: November 20, 2024
2nd Reading: December 4, 2024
Public Hearing: December 4, 2024
3rd Reading: January 8, 2025

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Article I – Authority and Purpose

§ 91.01 TITLE AND AUTHORITY.

This chapter is known and may be cited as *Newberry County Code of Ordinances Chapter 91 – Road and Development Design* and may be cited and abbreviated as “this Chapter”, “this Ordinance”, “Chapter 91” or the “RDD Ordinance.” The chapter is adopted pursuant to authority granted in the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, S.C. Code §§ 6-29-310 *et seq.*, and other applicable provisions of the South Carolina Code of Laws, as amended.

§ 91.02 JURISDICTION.

The provisions of this chapter shall apply throughout the unincorporated area of Newberry County and to the areas within those municipalities that consent to have these regulations apply to the roads within such municipalities.

§ 91.03 PURPOSE.

The purpose of this Chapter is to protect and promote the public health, safety, and general welfare of the County by providing for the safe and efficient design of roads and developments in Newberry County. Specifically, it is to require that new or expanded roads and developments meet safety and construction requirements before acceptance into the Newberry County Public Roads System, which is cited and abbreviated as “County System.” Roads that have previously met the applicable requirements and have been accepted and maintained by the County are not affected.

§ 91.04 SCOPE.

- (A) No subdivision plat, land development plan, new road, or road expansion shall be approved unless the road or development can be used safely and is constructed to the standards provided in this Chapter and Chapter 154.
- (B) No new road or road expansion shall be approved or brought into the County System unless it meets the requirements of this Chapter and Chapter 154, as applicable.
- (C) The regulations and procedures contained within this code are the minimum provisions for the protection of the health, safety, and welfare of the general public. This Chapter is not intended to cover all situations that may be encountered; the developer, builder, and owner of the road or development is strongly encouraged to consult national, state, and local design standards that may apply to the property.
- (D) The Newberry County Director of Public Works or their designee may require higher standards than those provided in this Chapter to insure safety and the construction of quality infrastructure.

§ 91.05 SEVERABILITY.

Should any specific section, standard, or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

§ 91.06 RELATION TO OTHER ORDINANCES.

If the provisions of this Chapter conflict with the provisions of any other validly enforceable ordinance(s),

Newberry County, SC

the most stringent provisions shall control.

§ 91.07 REPEAL OF CONFLICTING ORDINANCES.

All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this Chapter full force and effect.

§ 91.08 EFFECTIVE DATE.

These regulations shall become effective upon the date of their adoption by the County Council of Newberry County.

Article II – Administration and Enforcement
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§ 91.09 COUNTY COUNCIL.

- (A) Newberry County Council has authority to adopt, repeal, or amend the provisions of this Chapter, and to take any other action as the County Council may deem desirable and necessary to implement the provisions of this Ordinance.
- (B) County Council has the sole authority to authorize the inclusion of a road or a road extension into the County System.

§ 91.10 COUNTY ADMINISTRATOR.

The Newberry County Administrator shall appoint the Newberry County Land Development Administrator and the Newberry County Director of Public Works and shall have the authority to exercise any and all duties and authorities assigned to such.

§ 91.11 DIRECTOR OF PUBLIC WORKS.

- (A) The Newberry County Director of Public Works is designated as the official to administer the provisions of this Chapter.
- (B) General duties of the Director of Public Works related to this Chapter include, but are not limited to:
 - (1) Receipt of any petition to have a road admitted into the County System.
 - (2) Verification that any proposed new road or development complies with the criteria provided in this Chapter.
 - (3) Coordination with the Newberry County Land Development Administrator in the review of all subdivision plats to insure that any new or expanded road or development meets the requirements of this Chapter and Chapter 154 – Land Development Regulations. The Director of Public Works or their designee may also assist with public street construction management and inspections as requested by the County Administrator or required by this Ordinance.
 - (4) Coordination with developers and persons constructing, expanding, or improving any road to ensure compliance with the requirements of this Chapter.
 - (5) Provision of a recommendation to County Council for all proposed new roads or road extensions for inclusion into the County System.
 - (6) The collection and presentation to the County Road Committee and County Council of all information necessary for those bodies to approve acceptance of proposed new or expanded roads into the County System.

- (7) The performance of any related duties as directed by the County Administrator and County Council.

Article III – Definitions

§ 91.12 GENERAL USAGE OF TERMS.

- (A) Except as specifically defined herein, all words and phrases used in Chapter 91 have their customary dictionary definitions.
- (B) The present tense includes the past and future tenses.
- (C) Singular words shall include the plural, and plural words include the singular.
- (D) The words “*County Council*” mean the County Council of Newberry County, South Carolina.
- (E) The words “*County Administrator*” mean the County Administrator of Newberry County, South Carolina as appointed by the County Council of Newberry County, South Carolina.
- (F) The words “*Land Development Administrator*” mean the Newberry County Land Development Administrator as designated by the County Administrator.
- (G) The words “*County Road Committee*” mean the Newberry County Road Review Committee as appointed by the County Administrator.
- (H) The words “*Director of Public Works*” mean the Newberry County Director of Public Works as appointed by the County Administrator.
- (I) Any reference to a “chapter” or “ordinance” shall mean a chapter of the *Newberry County Code of Ordinances*, unless otherwise specified.
- (J) The words “*Developer*,” “*Applicant*,” and “*Subdivider*,” whether capitalized or not, are interchangeable and mean the owner of land proposed to be subdivided or their representative who is responsible for any undertaking that requires review under this chapter.
- (K) The words “shall,” “will” and “must” are mandatory; and the word “may” is permissive, except when the context of the particular use is negative (e.g., “may not”).
- (L) The word “road” includes the words “street” and “highway.”
- (M) The word “person” includes an individual, firm, association, organization, partnership, corporation, company, trust, governmental unit, and any combination thereof.
- (N) The word “day” or “days” means calendar days unless otherwise specified.
- (O) Words used in the masculine gender include the feminine gender and vice versa.
- (P) The words “lot” or “property” include the words lot, plot, parcel, property, or tract.
- (Q) The word “structure” includes the words building and accessory structure.

§ 91.13 DEFINITIONS.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

CLEARING AND GRUBBING. The removal of all vegetation, including trees, stumps, roots, brush, and any other objectionable material before grading begins typically within a proposed right-of-way.

COUNTY ROAD. Any road or street acquired by Newberry County either by donation, purchase, adverse possession, condemnation, dedication, or having previously been accepted for and continuously maintained by the County.

CUL-DE-SAC. A minor street having one end open to motor vehicle traffic and one end terminating in a turnaround.

DEDICATION AND WARRANTY PERIOD. A period of time following the date the final plat is approved by the County to final acceptance of the roadway into the County System that allows for the periodic review of the construction standards of the roadway.

FINANCIAL GUARANTEE. A financial surety made by a developer to Newberry County for the costs of improvements related to development. Financial guarantees include a cash bond, irrevocable letter of credit, or other acceptable security approved by Newberry County.

GRADING. The adjustment of the slope and soil elevation on a development site, including the removal of all trees, stumps, rocks, and vegetative matter, to a depth of two feet below sub-grade. Grading shall be complementary to the original topography of curves, hills, creeks, streams, and bridges.

LAND DEVELOPMENT. The changing of land characteristics through redevelopment, construction, subdivision into parcels, condominium complexes, apartment complexes, commercial parks, shopping centers, industrial parks, mobile home parks, and similar developments for sale, lease, or any combination of owner and rental characteristics.

NON-THROUGH ROAD. A road connecting to only one other road, which must be a publicly maintained through road.

RIGHT-OF-WAY. A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses. See also "Easement."

ROADBED. The traveling surface of a road's right-of-way (typically not less than 22 feet), and which lies between the ditching or curbing portion of the right-of-way.

SPEED LIMIT. The maximum speed at which a vehicle may legally travel on a particular stretch of road.

STREET CLASSIFICATIONS.

- (1) **ARTERIAL ROAD.** A road of regional importance or a main road of the community that is expected to carry either heavy vehicular traffic volumes or high-speed traffic or both. Arterial roads form a connected network of continuous routes that provide countywide and regional linkages. Arterials are characterized as having access control, channelized intersections, and signalization. Service to abutting land is subordinate to the provision of travel service.
- (2) **COLLECTOR ROAD.** A road that is used or intended to be used for moving traffic from local roads to arterial roads. Collectors are generally shorter than arterials but carry high volumes of traffic. Collector roads carry primarily residential traffic but provide no or limited residential frontage.
- (3) **LOCAL ROAD.** Local roads primarily provide access to adjacent land and road systems of higher classification and travel over relatively short distances compared to collector roads. The local street system comprises all facilities not assigned a higher classification and offers the lowest level of mobility.

SUBDIVISION. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all division of land involving a new street or change in existing streets, and includes re-subdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots of record.

THROUGH ROAD. A road connecting to two or more other roads, one of which must be a publicly maintained road.

Article IV – Road Acceptance Process

§ 91.14 COUNTY ACCEPTANCE REQUIRED.

- (A) **Generally.** It is hereby ordained by Newberry County Council that the County will not accept title to, easement for, or maintenance responsibility of any road or street unless the road or street meets the criteria of this Chapter and Chapter 154.
- (B) **Requirements.** Other than contained herein, all roads accepted into the County System shall be designed and constructed equal to, or better than, the standards and specifications required by the South Carolina Department of Transportation (SCDOT).
- (1) For roads and extensions of roads, the County will not accept rights-of-way less than 50 feet in total width for through roads or non-through roads.
 - (2) Additional right-of-way may be required by the County Road Committee or County Council for excessive cuts, fill slope areas, drainage, and cul-de-sac turnarounds.
 - (3) The County will not accept any road right-of-way that does not connect with an existing publicly maintained road or street which is:
 - (a) An existing state, county, or city owned and maintained street; or
 - (b) A street shown upon a plat approved by the Joint Planning Commission and recorded in the County Clerk of Court's office. The street or highway must be suitably improved as required by these regulations and specifications or be secured by a performance bond required under this Chapter and Chapter 154 with the width and right-of-way required by this Chapter and Chapter 154.
 - (4) **Road Acceptance.**
 - (a) Acceptance of any road is subject to requirements of the dedication period, as defined in this Chapter. No road may be accepted unless accompanied by a financial guarantee in the amount specified in §91.14(B)(5), or in such greater amount determined by the County to be sufficient to cover any estimated cost of repairs for a period of two years from the date of acceptance by the County (i.e. the "dedication and warranty period"). This period serves to assure the County as to the quality of construction of the roadway.
 - (b) In the event that the road, as constructed, does not continue to meet the minimum standards approved for such road during the entire two-year dedication period, the County will be entitled to pursue its remedies under the financial guarantee given to the County. If such are insufficient to bring the road up to standards, the County may pursue civil remedies against the developer, contractor, grantor(s), or other responsible

party, and shall be entitled to collect all of its attorneys' fees and court costs from such responsible party in so doing.

- (c) If the acceptance of the road by the County was procured by a fraudulent act, or if the road cannot be brought into compliance with the funds available from the surety and from other resources readily obtainable from the responsible party, the County may seek a court order authorizing it to revoke its acceptance of such road and to remove it from the County System, in addition to any other remedies it may have pursued or been entitled to pursue. If such relief is sought, the County shall be entitled to collect all of its attorneys' fees and court costs in pursuing such relief, whether or not it is successful in obtaining such relief.
- (5) **Financial Guarantee.** The amount of financial guarantee to be provided for repairs required during the dedication period is as follows:
- (a) For roads paved with asphalt, \$35,199 per one-quarter (1/4) mile or a figure approved by County Council during the annual budget process.
 - (b) Provided, however, the financial guarantee for a new road may be more or less than the amount provided in §91.14(B)(5)(a) if determined warranted by the Director of Public Works when considering the soil type, storm water drainage, construction methods, or other conditions or circumstances affecting the road.
 - (c) Any aggrieved person may petition the County Administrator within 30 days of the determination adverse to the person so aggrieved by the Director of Public Works for a review of the financial guarantee required. The County Administrator's determination will be final.
- (6) All off-site road improvements required by traffic impact studies as required by the requirements of this Chapter and Chapter 154 must be completed and accepted by SCDOT and/or Newberry County before any new road can be approved by Newberry County. Where improvements to an existing street or road are identified as being required in a required traffic impact study, the applicant/developer shall be required at his sole expense and as a condition of approval, to provide and install such improvements, including securing the additional rights-of-way required in accordance with applicable provisions of this Chapter.
- (C) **Encroachments.** Encroachment permits must be obtained from the Newberry County Department of Public Works prior to the performance of any work within the right-of-way of any road within the County System by an individual or agency other than Newberry County or an agent of Newberry County. This includes non-routine maintenance of, and revisions to, any existing approved encroachment. The applicant or his agent will be responsible for completing all work in compliance with the approved encroachment permit. The applicant or his agent shall also be responsible for the cost to repair damage within the right of way prior to or upon completion of the permitted work. Further, the applicant or his agent shall be responsible for the cost to repair any future damage within the road right of way caused by the work performed by the contractor or actions taken by the contractor.
- (D) **Driveway/Access Point Installation Policy.**
- 1) Newberry County will provide one access point to any parcel within Newberry County which is contiguous to a road within the County System. If the parcel already has an existing access,

Newberry County will not provide any additional access points to that same parcel. Additional access points to the parcel may be installed by the owner of the parcel, at their own expense, and will be required to meet specifications and be documented via an approved encroachment permit. There will be no charge to the applicant for the permit.

- 2) The standard size access point installed by Newberry County shall be 24' in width, using either reinforced concrete pipe (RCP) or SCDOT-rated double walled HDPE plastic pipe at the discretion of the Director of Public Works with consideration given to the appropriate amount of cover and material necessary. If larger or wider access is desired, and the wider access is approved by the County, it will be the applicant's responsibility to provide the additional pipe. If there is not enough space to install the standard size access point, the Director of Public Works will adjust the width as necessary to install the access point appropriately.
- 3) Any access point that directly adjoins a road with a paved surface will be provided an asphalt apron to provide a proper transition and prevent damage to the edge of pavement.
- 4) Newberry County will assume maintenance responsibilities for any access point that the County installs or any access point that is permitted by the County, provided that it meets SCDOT specifications. Newberry County reserves the right to refuse maintenance if the access point is determined to be an unauthorized encroachment or if the access point pipe does not meet SCDOT specifications.
- 5) Access points must be installed no closer than five feet from an existing property line.
- 6) When an access point is requested, the applicant must provide proof of ownership of the parcel in the form of a plat or deed. Newberry County may request additional documentation if it deems necessary, such as a building permit or SCDES issued percolation test in specific situations.

§ 91.15 DEVELOPMENT AND SUBDIVISION PROCEDURES.

- A. Preliminary plats.** Preliminary plats must be submitted, reviewed, and approved in accordance with the requirements of Chapter 154.

§ 91.16 INSPECTIONS.

- (A)** Newberry County will inspect the project as required to monitor progress, conduct quality control tests, and observe construction procedures. All aspects of the development shall be constructed according to the approved land development plan and specifications. The project is subject to inspection at any time.
- (B)** Although an inspector may be aware of the construction process and arranges to be on-site when appropriate, there are certain stages of road construction which shall require approval prior to proceeding. A 24-hour notice is required to ensure that an inspector can be on-site at the requested time. The stages are as follows:
- (1) Before any base material is placed on the subgrade: in "virgin-cut" areas, proof-rolling can normally be used to check the stability of the subgrade; in fill areas and other questionable areas, compaction tests may be required.
 - (2) Prior to placement of the curb.
 - (3) Prior to application of the prime coat on the base material.

- (4) At the start of any paving/surfacing operation.
- (C) All required compaction and material tests shall be performed at the expense of the developer by a professional soils engineer to run compaction tests and certify in writing that the County's compaction and proof roll requirements have been achieved.

§ 91.17 COUNTY ASSISTANCE AND ACCEPTANCE

- (A) The County Administrator or the Director of Public Works shall provide assistance to the general public, developers, and contractors in matters related to this Chapter.
- (B) A copy of the County's road specifications will be available in the office of the County Administrator and the office of the Director of Public Works.
- (C) Upon satisfactory evidence that a road meets the minimum requirements as specified in this Chapter, County Council may, upon considering all information, accept responsibility for its maintenance.

§ 91.18 CRITERIA FOR ACCEPTANCE

The following criteria must be met for acceptance of a road into the County System.

- (A) All through and non-through roads accepted into the County System must include easements, executed by all adjoining property owners, granting the County a road and maintenance easement 50 feet in width for the road's entire length.
 - (1) Additional easements must be granted to the County, as required, for drainage and cul-de-sac turnarounds, and to otherwise ensure the safe use and proper maintenance of the road.
 - (2) Easement dimensions will be determined by the Director of Public Works.
- (B) Submission of appropriately executed easements, plats, deeds, or court orders concerning the road's ownership and legal disposition.
- (C) As befitting any road's status as a public road, there shall be no barriers, chains, gates, or fences that would block any portion of the road or street, and that would restrict movement of the traveling public.
- (D) Any developer, contractor, or grantor(s) shall provide a performance bond, certificate of deposit, or letter of credit with a two-year dedication and warranty period, as outlined in this Chapter.
- (E) All road signs, including but not limited to, stop, speed limit, curve, yield, hill, road name, and bridge marking, must be in place. Following acceptance, signs will be replaced by the County when damaged, upon reaching end of life, or at the discretion of the County. However, decorative signs installed by the developer, contractor or owner prior to acceptance by the County shall either be replaced with standard signs by the County at its discretion or replaced with decorative signs at the expense of the developer, contractor, grantor or property owners.
- (F) All utilities shall be located off the roadbed and shall not be laid in ditches or curb lanes. No portion of the roadbed shall be used for water, sewer, telephone, gas, electrical, or cable. All utilities shall be placed at the outermost portion of the right-of-way.
- (G) The County may require any developer, contractor or owner to conduct soil testing to determine the quality of soil in the roadbed and right-of-way.
- (H) Except as provided for in §91.29(A), after July 31, 2007, no road shall be accepted into the County System unless it has been paved to final specifications, including a final topcoat of paving, or unless

adequate provision has been made in the form of the posting of an adequate financial guarantee to provide for finishing the paving of the road as provided in Chapter 154. This bond is in addition to the surety required for the two-year dedication and warranty period set forth in section (D) above.

- (I) All drainage, base setting, paving, and other road construction standards shall be in accordance with the provisions of this chapter, and any other standards adopted by the County with regard to road design, construction and/or maintenance.
- (J) The maximum speed limit for all gravel, dirt, or unimproved roads in the County System shall be 25 miles per hour, or as otherwise approved by Newberry County Council. The speed limit for all triple treatment and asphalt roads shall be 30 miles per hour, or as otherwise approved by County Council.
- (K) Mail and newspaper boxes may not project over the dedicated right-of-way.
- (L) Roads shall not dead-end unless an acceptable cul-de-sac or turnaround is established and transferred to the County by easement.
- (M) All blind spots shall be eliminated in order to provide for the efficient and safe movement of traffic.
- (N) Each road shall be constructed in a manner that prevents water from causing a hazard to vehicles and property. Drainage pipes or ditches shall be constructed to prevent erosion and flooding to the road and to adjoining property.
- (O) The County will not accept any road into the County System that does not connect with an existing publicly maintained road.
- (P) No paving materials shall be laid on a roadbed that is unstable.

§ 91.19 EXCEPTIONS.

- (A) Under limited circumstances, County Council may accept into the County System roads that do not otherwise meet current construction and other acceptance standards, provided that all of the following criteria are met:
 - (1) Presentation of properly executed documents, including but not limited to, deeds, plats, written agreements, court orders, and/or easements, evidencing continuous and current maintenance of the road by a federal or state agency, or by a municipality of the county, for at least three years;
 - (2) Recording of documents granting easements to the County from adjoining property owners, as necessary to provide for a 50-foot right-of-way for the entire length of through and non-through roads; to provide for required turnarounds that terminate in cul-de-sacs; and to provide for any other maintenance, drainage, or other easements that, in the judgment of the Director of Public Works, are necessary for the road's safe use and proper maintenance; and
 - (3) Examination by County Council to determine any increased need for resources associated with accepting such roads.
- (B) County Council may accept a developer's or grantor's bond instead of a bond issued by an authorized insurance or bonding company.
 - (1) The bond must be in cash or certified check.
 - (2) The cash bond or certified check will be deposited into a designated account established in the name of the development for guarantee of completed work.
 - (3) A letter of credit may be accepted in lieu of cash or a certified check for a period of 24 months.

Article V – Regulations

§ 91.20 GENERAL REQUIREMENTS.

- (A) Proposed streets or roads should be coordinated with the present system in the surrounding area.
- (B) Street and road grades shall be consistent with the topography, classification, and function of the proposed road. In no case should the road or street grade exceed 12%.
- (C) Turnarounds shall be provided at the closed end of all streets and roads and shall have a minimum 50 foot radius.
- (D) No more than two streets shall intersect at any angle of less than 75 degrees.
- (E) All streets and roads shall have official SCDOT compliant stop signs, speed limit signs, curve, hill, bridge markings, and official Newberry County road name signs in place before Council acceptance. Following acceptance, signs will be replaced by the County when damaged, upon reaching end of life, or at the discretion of the County. However, decorative signs installed by the developer, contractor or owner prior to acceptance by the County shall either be replaced with standard signs by the County at its discretion or replaced with decorative signs at the expense of the developer, contractor, grantor or property owners.
- (F) Adequate sight distance and vision clearance shall be maintained at all intersections meeting the applicable requirements of the Newberry County Code of Ordinances, including Chapters 153 and 154, or SCDOT sight distance criteria if not specified.
- (G) **Grading and Improvement Plan.** Before grading is started, the entire right-of-way shall be cleared of all trees, stumps, roots, brush, and any other objectionable material. All proposed streets and roads shall be graded, constructed, and surfaced in accordance with the requirements of this Chapter and with appropriate standards and specifications established by the State of South Carolina and Newberry County or their duly authorized agents. All roadway designs and specifications shall be approved by the Director of Public Works, in accordance with the construction plans required to be submitted prior to final plat approval.
- (H) **Topography and Arrangement.**
 - (1) Roads shall be designed relative to the topography to provide safe and navigable passage for vehicles.
 - (2) All shoulders and slopes shall be shaped, trimmed, and compacted. The construction shall be so performed that the shoulders, adjacent ditches, and slopes will be adequately drained at all times. All shoulders on the earth-type base course for a width of 18 inches shall be compacted. All back slopes shall be graded to a minimum of 45 degrees. Ditches or gutters emptying from cuts to embankments shall be constructed to avoid erosion of the embankment.
 - (3) **Buried utilities.** All electrical, telephone, cable, telecommunications, fiberoptic, water, sewer, natural gas, and other such lines shall be buried in the right-of-way at a depth of at least 36 inches below the finished grade where the installation is being performed. All installations must be outside of the paved road area unless it is deemed impossible to do so by the Director of Public Works.
 - (4) Minor streets shall be curved whenever possible to avoid uniformity of lot appearance. All streets shall be arranged so as to obtain as many as possible of the building sites at or above

the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in the design standards of these regulations.

- (5) The location and width of all proposed streets shall be in conformity with official plans and maps and with existing amended plans of the Joint Planning Commission.
- (6) All thoroughfares shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
- (7) Local roads shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.
- (8) A rigid rectangular gridiron street pattern is not necessary. The use of curvilinear streets shall be encouraged where the use will result in a more desirable layout.

(I) Channel Seeding.

- (1) All constructed channels shall be uniform in cross-sections and fully grassed, including any berms, dikes, and spoil areas along the side of the channels. If a good planting or permanent grassing cannot be established, the property owner or his agent may sign an agreement stating that he will be responsible for the channels until they are accepted by the County. All road ditches are excluded.
- (2) Channel seeding shall conform to SCDOT seeding requirements.
- (3) The following are not recommended for slopes over 5%: weeping love grass, yellow bluestem, alfalfa, crab grass, and lespedeza.

(J) Street Extensions.

- (1) The street layout of proposed subdivisions shall provide for the continuation or projection of streets already existing in areas adjacent to the area being subdivided unless the Land Development Administrator and the Director of Public Works advise, and the Joint Planning Commission determines, that the continuation or extension is undesirable for specific reasons of topography or design.
- (2) Where the Land Development Administrator and the Director of Public Works advise and the Joint Planning Commission determines that it is necessary to provide street access to adjoining properties, and that other means of access are not reasonably available to the adjoining properties, proposed streets shall be extended by dedication to the boundaries of the properties. Where the Land Development Administrator and the Director of Public Works advise and the Joint Planning Commission deems it necessary, dead-end streets shall be provided with an approved temporary turnaround having a radius of at least 40 feet.
- (3) The street system for a proposed subdivision shall provide for extending existing streets at the same or greater width, but in no case shall a street extension be of less width than the minimum width required in these regulations for a street in its category.

- (K)** In business and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types and modes of traffic, including pedestrian.

(L) Street Names.

- (1) Streets or roads that are extensions of, or obviously in alignment with, existing named streets shall bear that name.
- (2) The names of new streets and roads shall be subject to the approval of the Joint Planning Commission and shall not duplicate or be similar in sound to existing names, irrespective of the use of the suffix street, avenue, circle, way, boulevard, drive, place, or court or the like.

(M) Permanent Dead-end Streets.

- (1) Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Joint Planning Commission for access to adjoining property, its terminus shall not be nearer to the boundary than 50 feet.
- (2) The Joint Planning Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities.
- (3) A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with the following specifications:
 - a) Streets or roads designed to be closed at one end shall be no longer than 2,000 feet, and shall be terminated by a circular right-of-way with a radius of not less than 50 feet;
 - b) If a street or road designed to be closed at one end is longer than 2,000 feet, it shall have a turnaround every 2,000 feet (Example: a road that is 4,000 feet in length that is also a cul-de-sac shall have two turnarounds).
 - c) The 2,000 foot distance shall be measured from the nearest road or street intersection to the road's end.
- (4) For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall be limited in length in accordance with the design standards of these regulations.

- (N) Alleys.** Service alleys or drives may be required in developments with multiple dwellings and in commercial and industrial developments. Such service alleys and drives shall have a minimum surface treatment width of 15 feet but shall not be provided in one- and two-family residential developments unless the subdivider provides evidence satisfactory to the Joint Planning Commission of the need for alleys.

§ 91.21 STREET DESIGN STANDARDS.

- (A) General Requirements.** In order to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access to law enforcement, firefighting, sanitation and road-maintenance equipment, and to coordinate so as to compose a convenient system and avoid undue hardships to adjoining properties, the following design standards for streets are hereby required. Street classification may be indicated on the Major Thoroughfare Plan or Official Map; otherwise, it shall be determined by the Joint Planning Commission.

Improvement	Residential Development	Non-Residential Development
(1) Minimum Right-of-Way Width (feet)¹		
Local Road	50'	66'
Marginal Access Street	50'	66'
Cul-de-Sac	100'	100'
(2) Minimum Finished Surface Width (feet)^{2, 3}		
Local Road	22' ^{2, 4, 5}	36'
Marginal Access Street	22' ^{2, 4, 5}	36'
Cul-de-Sac	22' ^{2, 4, 5}	36'
Collector Street	24' ^{2, 5}	50'
Notes to Table Sections (1) and (2):		
¹ Right-of-way widths greater than minimum are encouraged because they make for a safer, more aesthetic, and more comfortable facility and permit future roadway widening without disrupting abutting properties.		
² Pavement widths shown do not provide for on-street parking; service lanes are intended only for loading and unloading of passengers and goods and for disabled vehicles and not for the storage of vehicles.		
³ An 18-inch wide grass strip should be provided between the right-of-way boundary and the outside edge or back of any sidewalk constructed within the right-of-way. This permits the placing of utility poles at the back of the sidewalk and retention of a grass strip between the sidewalk and the curb or edge of pavement; both of these features are highly desirable, particularly in terms of safety.		
⁴ When curb and gutter is used, 24' minimum measured from the face of each curb or from the low point of valley gutter to the low point of valley gutter.		
⁵ Measured from edge of pavement to edge of pavement when a typical State Highway Department farm-to-market road section is used.		
(3) Maximum Grade (percent)		
Local Road	10%	6%
Marginal Access Street	10%	6%
Cul-de-Sac	8%	6%
(4) Minimum Radius of Curve (feet)		
Local Road	150'	200'
Marginal Access Street	150'	200'
Cul-de-Sac	100'	200'
Collector Street	200'	300'
(5) Minimum Length of Tangents Between Reverse Curves (feet)		
Local Road	100'	200'
Marginal Access Street	200'	200'
Cul-de-Sac	100'	200'
Collector Street	300'	300'

Improvement	Residential Development	Non-Residential Development
(6) Minimum Design Speed (mph)		
Local Road	25	30
Marginal Access Street	25	30
Cul-de-Sac	20	30
Collector Street	30	35
(7) Minimum Turnaround (Diameter in feet)		
Cul-de-Sac (Right-of-Way)	100'	120'
Cul-de-Sac (Pavement Width)	80'	100'
Cul-de-Sac with Center Island (Right of Way / Island / Pavement Width)	100' / 40' / 30'	120' / 60' / 30'
(8) Maximum Length of Cul-de-Sac (feet)		
Permanent	1,000'	600'
Temporary	1,000'	1,000'

- (9) Primary and secondary arterial design standards are as required by the Major Thoroughfare or Official Map and the South Carolina Department of Transportation. Normally, the streets will require reservation or dedication of right-of-way by the subdivider and improvements by others.
- (10) Road Surfacing and Improvements.
- (a) After sewer and water utilities have been installed by the developer, the applicant shall construct curbs and gutters or valley gutters and shall surface or cause to be surfaced, roadways to the widths prescribed in these regulations. The surfacing shall be of a character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Surface types shall be as determined by the Director of Public Works. Adequate provision shall be made for culverts, drains, and bridges.
- (b) All road surfaces, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications proposed by the Joint Planning Commission and the Director of Public Works and approved by Newberry County Council and shall be incorporated into the construction plans required to be submitted by the developer for plat approval. Plans shall be prepared and stamped by a registered professional engineer. All roads shall be hard surfaced (Portland cement, concrete, or asphaltic concrete) in all new subdivisions and expansions of existing subdivisions. Newberry County encourages developers, contractors, grantors and owners to consider constructing cool pavements using existing paving technologies, such as asphalt and concrete. The Joint Planning Commission may allow an alternate surfacing material for rural residential minor streets where it may be shown that an extreme hardship exists and where the surface is approved by the Director of Public Works.
- (11) Excess Right-of-Way. Right-of-way widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. The slopes shall not be in excess of 2 to 1.
- (12) Railroads and Limited Access Highways. Railroad rights-of-way and limited access highways

where located as to affect the subdivision of adjoining lands shall be treated as follows:

- (a) In residential developments, a buffer strip at least 25 feet in width in addition to the normal width of the lot required in the zoning district shall be provided adjacent to the railroad right-of-way or limited access highway (per SCDOT classification for road access limitations). This strip shall be part of the platted lots and shall be designated on the plat. The strip is reserved for screening. Placement of structures on this reserved strip is prohibited.
- (b) In developments proposed for commercial or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, whenever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.
- (c) Streets parallel to the railroad when intersecting a street that crosses the railroad at grade shall, to the extent practicable, be at a distance of at least 150 feet from the railroad right-of-way. The distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

(13) Intersections.

- (a) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than 75 degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles 100 feet from the center line of the through street. Not more than two streets shall intersect at any one point unless specifically approved by the Joint Planning Commission.
- (b) Proposed new intersections along one side of an existing street shall, whenever practicable, coincide with any existing intersections on the opposite side of the street. Street jogs with center line offsets of less than 150 feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where opposing streets intersect collector streets, their alignment shall be continuous. Intersections of streets shall be at least 800 feet apart.
- (c) The minimum curb radius at the intersection of two local roads shall be at least 25 feet; and minimum curb radius at an intersection involving a collector road shall be at least 30 feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
- (d) Intersections shall be designed with a flat grade whenever practical. At the approach to an intersection in hilly or rolling areas, a leveling area shall be provided having not greater than a three percent (3%) rate at a distance of 60 feet, measured from the nearest right-of-way line of the intersecting street.
- (e) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut the ground and/or vegetation (including trees) in connection with the grading of the

public right-of-way to the extent deemed necessary to provide an adequate sight distance.

- (f) The cross-slopes on all streets, including intersections, shall be no greater than 3% and no less than 0.5%.

§ 91.22 CULVERTS, PIPES, AND TRENCHES; STORM DRAINS; CATCH BASINS.

(A) Culverts, pipes, and trenches.

- (1) All culvert pipes must be Class III Reinforced Concrete Pipe (RCP) at a minimum.
- (2) The diameter of all culverts shall be designed for the 25-yr storm event using history and run-off data available at the USDA Soil and Conservation Service. No culvert less than 18 inches in diameter will be acceptable. The length of the culvert will be determined by the height of the fill, but shall be of sufficient length to provide a minimum 24-foot wide finished roadbed.
- (3) All concrete culverts shall conform to AASHTO M170 state requirements and only steel reinforced culvert will be acceptable.
- (4) All pipes shall be laid in a trench in all cases where possible. Trenches shall be excavated to the required grade and to a width sufficient to allow for proper joining of the pipe and compaction of the backfill under and around the pipe. The trench bottom shall be shaped to fit the bottom of the pipe and shall have recesses shaped to fit any projected hubs or bells. All culverts shall have a minimum of twelve inches of fill above the top of the culvert, excluding pavement or its base.

- (B) **Storm drains; catch basins.** Catch basins shall be required to receive surface water from roadside gutters or swales into piped or open ditch drains. Standard manholes and covers, inside step and gutter gratings may be required for some installations. The Director of Public Works will direct the application if applicable. All curves shall be designed to pass the peak rate of run-off from at least a 25-year rainfall return frequency for a one-hour storm.

§ 91.23 NATURE OF STORM WATER FACILITIES.

- (A) **Location.** The applicant may be required by the Joint Planning Commission to carry away via a pipe or open ditch any spring or surface water that may exist either previously to, or as a result of, the subdivision. The drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the county's standards and specifications.

- (B) **Accessibility to public storm sewers.**

- (1) Where a public storm sewer is accessible, the applicant shall install storm sewer facilities. If no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the Director of Public Works. Inspection of facilities shall be conducted by the Director of Public Works.
- (2) If a connection to a public storm sewer will be provided eventually, as determined by the Director of Public Works and the Joint Planning Commission, the developer shall arrange for future storm water disposal by a public utility system at the time the plat receives final approval. Provision for the connection shall be incorporated by inclusion in the performance bond required for the subdivision plat.

- (C) **Accommodation of upstream drainage areas.** A culvert or other drainage facility shall in each case be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside the subdivision. The Director of Public Works shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development expected in the Master Plan.
- (D) **Effect on downstream drainage areas.** The Director of Public Works shall also study the effect of each subdivision on existing downstream facilities outside the area of the subdivision. Local government drainage studies, together with other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility, the Joint Planning Commission may withhold approval of the subdivision until provision has been made for the improvement of the potential condition in the sum as the Joint Planning Commission shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.
- (E) **Flood plain areas.** All subdivisions submitted for review and approval shall comply with the Newberry County Flood Ordinance.
- (F) **Dedication of Drainage Easements.** Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, a storm water easement or drainage right-of-way shall be provided that conforms substantially to the lines of the watercourse, and of the width and construction or both as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.
 - (1) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least 12 feet in width for the drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
 - (2) When a proposed drainage system will increase the maximum flow of water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
 - (3) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, included in areas for dedication, shall be preserved and retained in their natural state as drainage ways.

§ 91.24 SUB-GRADE.

- (A) The work shall consist of the construction and preparation of the sub-grade on that part of the roadway intended to receive pavement and, when applicable, on sidewalks, curbs, gutters, base course, and shoulders. Preparation, compaction, and quality shall meet SCDOT specifications and recommendations from geotechnical investigation based on site soil condition.
- (B) All soft, unstable, or unsuitable material that will not compact readily shall be removed and replaced with satisfactory material. All rocks and boulders shall be removed or broken off to a depth of not less than eight (8) inches below the surface of the sub-grade.
- (C) All soil must be compacted so that holes, ruts, or depressions will not form or develop. Compaction

is extremely important to the longevity of any road system.

§ 91.25 BASE COURSE.

- (A) The base course work shall consist of crusher run stone or gravel of not less than six (6) inches thickness for plant mix pavement constructed on a prepared sub-grade. All materials, installation, and compaction shall meet SCDOT specifications and recommendations from geotechnical investigation based on on-site soils.
- (B) After base course of six (6) inches of crusher run stone or gravel has been applied, the minimum finish of asphalt shall be one and one-half (1½) inches thick.

§ 91.26 PAVEMENT.

- (A) Rolling and finishing shall start at the edge and proceed toward the center, except on super elevated curves where rolling shall proceed from the lower to the upper side and continue until the aggregate are firmly set.
- (B) Pavements of hot laid asphalt (plant mix) will be acceptable. All pavements shall be a minimum of 22 feet in width.
- (C) All plant mixed asphalt paving materials shall conform to standard specifications for highway construction and shall be delivered to the spreading at a temperature as provided in the South Carolina Department of Transportation Standard Specification Book (2007 Edition).
- (D) The surface of the mixture after compaction shall be smooth and true to establish crown and grade. Any mixture that becomes loose or broken, mixed with dirt, or in any way defective shall be removed and replaced with fresh mix which shall be immediately compacted to conform with the surrounding area. Joints between old and new pavement or between strips shall be made in such a manner as to ensure proper bond between the old and new surface.
- (E) Finished asphalt surface must be a minimum of one and one-half (1 ½) inches in thickness. The Contractor shall make allowance with a minimum of 24 hours' notice to allow the Director of Public Works or his designee to inspect the installation process to ensure compliance. The Contractor will supply trip tickets certifying quantities used for the project.
- (F) If there is any question about the actual thicknesses, the Contractor shall provide one core sample per 500 feet of road, or a minimum of three samples, whichever is greater. If the actual thickness is less than approved, the substandard areas shall have an overlay of one inch thickness of plant mix or the thickness shortfall plus one-half inch, whichever is greater.
- (G) **Additional Materials Requirements.**
 - (1) Aggregate size cannot exceed one-half of the thickness of the individual asphalt course.
 - (2) All materials shall meet SCDOT specifications for quality and gradation.
 - (3) Triple surface treatment is not allowed.
 - (4) Sand clay is not approved for use as a roadway base course unless approved on a case by case basis based on analysis.
 - (5) Surface course shall consist of asphaltic concrete (Type I)

§ 91.27 BRIDGES.

All bridges shall be approved in advance by the County Administrator. Bridges of primary benefit to the applicant, as determined by the Joint Planning Commission, shall be constructed at the full expense of the applicant and shall comply with the specifications of the South Carolina Department of Transportation. A registered professional engineer approved by the County Administrator shall confirm that bridges meet SCDOT specifications prior to acceptance by County Council.

§ 91.28 ROAD DEDICATIONS AND RESERVATIONS.

- (A) Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The Joint Planning Commission may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within his own subdivision boundaries.
- (B) Where a subdivision borders an existing narrow road or when the Master Plan or Official Map indicate plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate at his own expense the areas for widening or realignment of the roads. The frontage roads and streets shall be improved and dedicated by the applicant at his own expense to the full width as required by these subdivision regulations.
- (C) When a subdivision contains a part or all of the proposed location of a new street shown in the County's major thoroughfare plan, the necessary right-of-way shall be reserved for this new street and the design of the subdivision shall reflect the future existence of this street.
- (D) Dedication of this right-of-way is not required. However, this reserved right-of-way shall not count in satisfying the setback and lot size requirements of this Chapter.
- (E) When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each block.

§ 91.29 POLICY STATEMENTS.

- (A) The final acceptance of a road by the County does not imply the road will be widened or stabilized at any time. The only type of road construction accepted by the County shall be asphalt.
- (B) No paving will be allowed on wet surfaces or when the temperature is below 45 degrees Fahrenheit, or shade temperature is 40 degrees Fahrenheit. Paving will only be permitted with approval from the Director of Public Works.
- (C) Roads in existing subdivisions that have already been paved to county standards, but that have less than the required width of right-of-way, may be accepted into the County System upon a further determination by County Council that special circumstances exist that justify the acceptance of the road right-of-way, and that the customary right-of-way width is not readily available for acquisition.
- (D) The developer of a subdivision may be required to sell 50% of the parcels of a subdivided tract before the county will accept the roads therein, but this requirement may be waived by County Council for good cause shown. The purpose of this provision is to keep the County from accepting financial responsibility for new roads that may be damaged by heavy truck traffic generally associated with the development of property and construction of new homes or businesses, and during or after which roads may need extensive, costly repairs after being exposed to such traffic.

- (E) In the event that there is any material difference between the requirements of this Chapter and the chapter providing standards for road acceptance and construction in subdivisions, the provisions of the subdivision regulations shall govern. The provisions of this Chapter shall govern in all other situations.

§ 91.30 NAMING OF ROADS.

In order to provide for the safety and security of all county residents, and to minimize confusion for citizens, law enforcement and emergency personnel in times of natural disaster, civil unrest, or other emergency, all roads in Newberry County, public or private, shall be named in accordance with the provisions of Chapter 94 of the Newberry County Code of Ordinances, as amended from time to time.

§ 91.31 ROAD CLOSING.

The County shall only abandon or close roads or portions of roads within the County System under the method prescribed in S.C. Code §§ 57-9-10 et seq., as amended. Members of the public desiring the closure of roads, or portions of roads, shall initiate such requests by this same method and at their own expense, except in cases where County Council determines it is in the interest of the County to effect such closings. The County Administrator, acting on behalf of and in consultation with County Council, shall make known to the court the County's position with respect to such closure requests.

§ 91.32 CUTTING OF TREES, BRANCHES, LIMBS, AND OTHER OBSTRUCTIONS.

- (A) Dead trees, low limbs, or branches in the right-of-way will be cut by county maintenance personnel and equipment, as well as weeds, grass, or brush that limit sight distance on county-maintained roads.
- (B) All limbs, branches, and other obstructions that hang over or into a county-maintained road will be abated to ensure safety and sight. The county will only cut or trim what is necessary to ensure the safety of the traveling public.
- (C) Every owner or tenant of lands lying within the unincorporated areas of Newberry County adjoining a roadway, whether the lands are within the road right-of-way or not, shall:
 - (1) Keep all brush, hedges and other plant life growing within ten feet of any roadway, and within 25 feet of the intersection of two roadways, cut to a height of not more than two and one-half (2.5) feet above the crown of the roadway where it shall be necessary and expedient for the preservation of the public safety; and
 - (2) Keep all tree limbs within ten feet of any roadway, and within 25 feet of the intersection of two roadways, cut and trimmed to a height of not lower than ten feet from the crown of the roadway so as not to obstruct the safe movement of vehicles or vision of the drivers on and around the roadways and intersections where it shall be necessary and expedient for the preservation of the public safety.

Article VI – Paving of Unpaved County Roads

§ 91.33 COUNTY ROADS ONLY

The road for which paving is requested must be a road already included in the county's road maintenance system, as determined by Director of Public Works.

§ 91.34 NECESSARY RIGHT-OF-WAY FOR PAVING REQUESTS.

- (A) The property owner initiating a paving request is responsible for securing rights-of-way/easements from all affected property owners. The County's role in the right-of-way/easement acquisition process is limited to the following items:
- (1) Providing petitioners with official petition documents;
 - (2) Generating property owner name and address information (as available through the County Tax Assessor's property records);
 - (3) Staking approximate rights-of-way for initial review by affected property owners;
 - (4) Commissioning property surveys to finalize right-of-way dimensions and location; and
 - (5) Assisting in the preparation/execution of required right-of-way/easement documents.
- (B) The granting of right-of-way by property owners for the paving of existing roads within the County System is voluntary and requires unanimous agreement among the affected property owners (a mere majority will not suffice).
- (1) The County will condemn easements/rights-of-way to address safety issues identified by the Director of Public Works if necessary and approved by County Council.
 - (2) In such cases, the County will condemn only the minimum property necessary to address the safety issues, not enough to accommodate a wholesale improvement of the roadway.

§ 91.35 APPLICATION PROCESS.

(A) **Submission of request by property owner to county staff.**

- (1) Any affected property owner (i.e., anyone who owns property adjoining an unpaved county road) may obtain from the County Administrator a Request for Road Paving Consideration form ("request form").
- (2) Once completed by the petitioning property owner, the form is forwarded to the Director of Public Works, who verifies that the road is a county road and determines if the requested road improvements require a right-of-way of 50 feet (for through roads) or a 50-foot radius (for cul-de-sacs), or more, based on topography, sight lines, road layout, safety conditions, and other criteria.
- (3) Outfall ditches and drainage easements may also be required.
- (4) The Director of Public Works will amend the request form with this information and arrange for the staking of the approximate right-of-way dimensions for initial review by affected property owners.

(B) **Return of request form by county staff to property owner.**

- (1) Staff returns the request form, as amended under section 91.34(A)(4), to the petitioning property owner.
- (2) Staff supplies the petitioning property owner with a list of all affected property owners and their contact information, consisting only of mailing addresses, as shown in public records of the County Tax Assessor, and an official petition form (Petition of Intent to Grant Right of Way form) to be used for indicating the intent of affected property owners to grant the necessary rights-of-way/easements for the project.

(C) Securing required signatures.

- (1) The petitioning property owner is responsible for establishing the unanimous intent of all affected property owners to grant the required right-of-way (as staked by the Director of Public Works for initial review) by having them properly sign the Petition of Intent to Grant Right-of-Way form.
- (2) No county road will be paved or otherwise significantly improved (other than regular scraping and the amending of an existing gravel base, where needed) unless the Petition of Intent to Grant Right-of-Way is signed by all affected property owners and the subsequent rights-of-way/easements are obtained and recorded.
- (3) There must be only one original petition circulated for signatures, which must be bound or stapled.
- (4) In order to guard against the making of copies, each page attached shall show "Page ___ of ___" (where the first blank represents the number of the current page; the second, the total number of pages in the petition).
- (5) Required signatures may only be from affected property owners and must include all owners of each affected parcel, no matter how slight the owner's interest, as shown on the deed recorded at the office of the Clerk of Court for Newberry County.

(D) Legal right-of-way/easement documentation.

- (1) The County Attorney prepares the easement forms to be properly executed by affected property owners granting the necessary rights-of-way/easements.
- (2) The petitioning property owner is responsible for coordinating/scheduling this work with the County Attorney.
- (3) Once unanimous consent granting all necessary rights-of-way/easements is executed and recorded, the easement/right-of-way documents and the county-commissioned survey/plot of the road are filed in the office of the Clerk of Court for Newberry County.
- (4) The Director of Public Works, County Attorney, and County Administrator then certify to the County Transportation Committee (CTC) and to County Council that the appropriate right-of-way is established.
- (5) If the petition omits any signature of any affected property owner, it is returned to the petitioning property owner for completion.

§ 91.36 NO GUARANTEE OF PAVING.

Neither the CTC nor County Council guarantees the paving of a road for which the required rights-of-way/easements have been successfully obtained and recorded. The funding appropriated for the paving of county roads is limited and is expended based on objectively determined priorities and criteria of the CTC. Commonly, there are more proposed projects than there are resources to fund them. However, it is certain that no county road will be paved unless the required rights-of-way/easements are properly obtained and recorded.