Block Closing Regulations

Requirements for approval of street/block closings petition and conditions which apply upon acceptance of petition:

North Carolina General Statute S160A-300 provides that a municipality can regulate vehicular traffic upon its streets. The Charlotte City Code provides the Charlotte Department of Transportation (hereinafter: "Department"), with the general authority to regulate vehicular traffic. Pursuant to that authority, the Director of Transportation and his authorized representatives have the authority to approve street closing petitions, (hereinafter: "petition"), if, in their professional judgment, the street closing will not adversely affect vehicular traffic and will not endanger public safety. The following requirements and conditions must be complied with in the filing of a petition. A failure to comply with the following conditions could result in revocation of permission to close a street.

1. **Necessary signatures for a petition:** A petition must be signed by 75% of the residents of the street or the portion of the street to be closed. The Department may designate the portions of street to be closed, or left open, and may designate the area from which a petition must be secured. The minimum area that can be closed is usually a full block. The properties sign the petition in order to receive approval of the application.
2. **Designation of petitioners' agent:** The person designated on the petition as the petitioners' agent shall be the sole person to whom the Department shall be responsible for any of its communication. Such person shall be the agent for all those who sign the petition.
3. **Submittal:** Please submit a completed petition at least four weeks prior to your event to ensure time for proper review. Petitions submitted less than four weeks before your event may not leave time for all agencies to review and may result in denial of your event.
   All correspondence with the City regarding a street closing shall be addressed to:
   Charlotte Department of Transportation: Public Service & Communications Division
   600 East 4th Street Charlotte, NC 28202-2858
4. **Review of location:** The Department will review the location of the closing and consider the safe movement of traffic before turning over to CMPD for final approval. Normally, thoroughfares, as defined by the Charlotte-Mecklenburg Thoroughfare Plan, are not eligible for "closing". The Department must conclude that the closing will not jeopardize the safe movement of traffic.
5. **Barricades and additional equipment and personnel:** The petition signers must place a minimum of three barricades at each end of the street (or block) being closed. If the closing is to involve any hours of darkness, the barricades must have flashing lights. The petition signers will be responsible for furnishing, placing, and removing the barricades. The Department explicitly assumes no liability for the placing or the selection of barricades. However, the Department can require that the general placing and selection of barricades conform with commonly accepted standards of safety. The Department may, in the interest of safety, require that additional equipment or personnel be furnished.
6. **Local access:** Local access is to be maintained to all properties on the street during the hours of the closing.

7. **Notification:** The petitioners' agent shall notify, by telephone or in person, the Charlotte Fire Department at 704-336-2441 and Medic at 704-943-6200 of the closing and reopening of the street. Such notification shall be made no more that four hours and no less than two hours prior to the closing or reopening of the street. In addition, all residents or property owners in the area to be closed must be notified 48 hours prior to the closing.
8. **Cleaning of debris**: Within 12 hours after the scheduled reopening of a street, the street shall be cleared of all debris to the satisfaction of the authorized representative of the Department. If there has been a failure to clear all debris from the right-of-way and an authorized representative of the Department concludes that there is a danger to the passage of vehicular traffic, then the Director of Transportation is authorized to notify the appropriate City department to clear the right-of-way of debris. The signers of the petition waive any notice requirements and any other procedural requirements and remain personally liable for the expense of cleaning up the debris from the street. The waiver is premised upon the necessity to reopen the street expeditiously and to reopen it without the debris endangering vehicular traffic. The signers of the petition, individually and collectively remain liable in a civil debt action for the expense of cleaning the debris from the street.
9. **Indemnification and Hold Harmless:** The signers of the petition, individually and collectively, shall indemnify and hold harmless the City of Charlotte, its officials and employees from any and all loss, cost, (including reasonable attorney fees and court costs), damages, expenses and liability caused by any of the closed street or by the revocation of permission to close the street arising from the use or occupancy or use of the closed street. The City accepts no liability for any actions that may arise from the closing of a street or from the revocation of permission to close the street. Any insurance protection that is necessary during the closing of the street is the sole responsibility of the signers of the petition.
10. **City property and equipment:** All property and equipment belonging to the City and located within and around the closed street is to be treated by the signers of the petition and its invitees with reasonable and due care. The signers of the petition assume, individually and collectively, complete and absolute liability for any loss and damage to the City property and equipment which may result from any misuse or mistreatment of the property or equipment during the street closing.
11. **Alcoholic beverages**: Drinking of alcoholic beverages on City streets and right-of-way are forbidden by City Code Section 13-4.1. Permission to consume alcoholic beverages on City streets and right-of-way, must be obtained with the Beer/Wine Application submitted to the CDOT 30 days prior to the closing. Applicants must provide a certificate of coverage from their insurance agency that they have general liability insurance coverage in the amount of not less than $1 Million for each occurrence.
12. **Revocation of permission to close street:** The City and Director of Transportation reserve the right to revoke permission to close a street without cause by informing the petitioners' street closing agent no less than 24 hours in advance of the street closing. If an emergency arises which necessitates that the streets remain open, the 24 hour notice requirement will not apply. A failure to comply with any requirement or condition in this document shall be a basis to withdraw permission to close a street.