

# CHAPTER 19: STREETS, SIDEWALKS, AND OTHER

## PUBLIC PLACES

Article

- I. IN GENERAL
- II. DAMAGING STREETS AND SIDEWALKS
- III. OBSTRUCTIONS
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Notes

- I** Cross-reference:  
No person to ride or lead horse or pony upon the sidewalks, § 4-501; selling merchandise on streets and sidewalks, § 6-403; Cemeteries, Ch. 7; creation of excessive noises in certain areas prohibited, § 14-202; Parks and Recreation, Ch. 16; Planning, Zoning, and Subdivision control, Ch. 17; Traffic and Motor Vehicles, Ch. 20; vehicles shall not be driven on sidewalks, § 20-806; Utilities, Ch. 21; Streets and Sidewalks, App. A; Traffic, App. B.
- Statutory reference:  
Roads and highways, G.S. Ch. 136; authority of municipality to regulate, G.S. § 136-66.4; municipal streets, G.S. §§ 160A-296 et seq.; special assessments, G.S. §§ 160A-216 et seq.

### ARTICLE I: IN GENERAL

Section

- 19-101 Throwing or burning trash on street prohibited
- 19-102 Tree trimmings
- 19-103 Snow and ice removal
- 19-104 Bicycles and motorized vehicles on sidewalks prohibited
- 19-105 Playing in streets prohibited
- 19-106 Use of nails and tacks restricted
- 19-107 Use of horses on town streets
- 19-108 Skateboarding
- 19-109 to 19-199 Reserved

#### § 19-101 THROWING OR BURNING TRASH ON STREET PROHIBITED.

No paper, straw, lemon peel, banana peel, watermelon rind, or any trash of any kind shall be thrown, or swept upon, any sidewalk or street of the town, nor shall any trash, refuse, or rubbish be burned thereon.

(Code 1976, § 5.36)

**Cross-reference:**

*Garbage and refuse, Ch. 11; health and sanitation, Ch. 12.*

**Statutory reference:**

*Regulation of garbage on public streets, G.S. § 160A-303.1.*

#### § 19-102 TREE TRIMMINGS.

It shall be unlawful for any person to place, or allow to be placed, any tree trimmings or shrubbery on any street or sidewalk in the town.

(Code 1976, § 5.37) Penalty, see § 1-111

### **§ 19-103 SNOW AND ICE REMOVAL.**

Every occupant of a store building in front of which the sidewalk is paved with stone, brick, asphalt, or cement, shall remove snow, ice, or other obstruction from such sidewalk at the earliest possible time, and as soon as the weather permits.

(Code 1976, § 5.38)

### **§ 19-104 BICYCLES AND MOTORIZED VEHICLES ON SIDEWALKS PROHIBITED.**

*[Repealed]*

(Ord. 27-2006, passed - -)

### **§ 19-105 PLAYING IN STREETS PROHIBITED.**

No person, or group of persons, shall play any games whatsoever on any of the streets of the town, or use any street as a play area.

(Code 1976, § 5.40)

#### **Statutory reference:**

*Regulation of pedestrian activity, G.S. § 160A-300.*

### **§ 19-106 USE OF NAILS AND TACKS RESTRICTED.**

It is hereby declared unlawful for any person to drive any nails or tacks in the telephone, telegraph, or electric light poles, or in any house or store situated on any sidewalk or street of the town, except with the permission of the owner.

(Code 1976, § 5.42) Penalty, see § 1-111

#### **Cross-reference:**

*Advertising, § 15-102.*

### **§ 19-107 USE OF HORSES ON TOWN STREETS.**

Drivers of horse-drawn carriages, or individual horseback riders, shall ensure that such horses are equipped with diapers, or other similar devices, or that other methods are used to prevent manure and other wastes of the horses from falling, or collecting, on town streets.

#### **Statutory reference:**

*Violation of local ordinances misdemeanor, G.S. § 14-4.*

### **§ 19-108 SKATEBOARDING.**

Skateboarding is prohibited on all town-owned property.

(Ord. 24-2016, passed 12-19-2016)

### **§§ 19-109 TO 19-199 RESERVED.**

## **ARTICLE II: DAMAGING STREETS AND SIDEWALKS**

#### Section

- 19-201 Permit to dig in streets
- 19-202 Sidewalk construction
- 19-203 Street repair
- 19-204 Excavations; leaving unprotected
- 19-205 Streets not to be damaged
- 19-206 House moving
- 19-207 Moving structures upon streets
- 19-208 Damage to bridges and culverts
- 19-209 Damage to lights and signs
- 19-210 to 19-299 Reserved

### **§ 19-201 PERMIT TO DIG IN STREETS.**

It shall be unlawful for any person to dig any hole, ditch, or excavation of any kind whatsoever, on any street or sidewalk in the town, without first securing the written approval of the Town Director of Public Works.

(Code 1976, § 5.1) Penalty, see § 19-201

#### **§ 19-202 SIDEWALK CONSTRUCTION.**

No sidewalk of any description shall be built by any person of any brick, wood, or other material without a written permission from the town, which permission may be part of a subdivision, conditional use permit or other approval.

(Code 1976, § 5.2)

#### **§ 19-203 STREET REPAIR.**

It shall be the duty of every person who shall open or dig a ditch, trench, or hole in any street, public alley, or sidewalk of the town, to put such street, public alley, or sidewalk in as good condition in all respects as it was before.

(Code 1976, § 5.3)

#### **§ 19-204 EXCAVATIONS; LEAVING UNPROTECTED.**

It shall be unlawful for any person making any excavation for any purpose whatsoever in any of the streets or sidewalks, to fail to securely cover excavations with plank, or place ropes, around the same three feet from the ground, or shall fail to place a sufficient number of red lights around such excavation before dark, and to keep such light burning all night, every night, such excavation shall be open.

(Code 1976, § 5.4) Penalty, see § 1-111

#### **§ 19-205 STREETS NOT TO BE DAMAGED.**

It shall be unlawful for any person to drag, or run, or cause to be dragged or run, any harrow, or other implement, engine, machine, or tool upon any asphalt, bituminous, warrenite, or other permanently paved street of the town which shall be likely, in any way, to injure, or cut, the surface thereof. It shall also be unlawful to injure any dirt street in the same manner.

(Code 1976, § 5.5) Penalty, see § 1-111

#### **§ 19-206 HOUSE MOVING.**

No person shall move any house, or building, upon or across the public streets, or sidewalks, without the written consent of the Town Public Works Director, and the refundable deposit of a good, and sufficient, bond in the sum of \$1,000 to cover damage done to such street, or sidewalk, or to any property of any person.

(Code 1976, § 5.6)

#### **§ 19-207 MOVING STRUCTURES UPON STREETS.**

It shall be unlawful for any person to move, or have moved, any structure upon the streets of the town without first obtaining written permission from the town to do so.

(Code 1976, § 5.41) Penalty, see § 1-111

#### **§ 19-208 DAMAGE TO BRIDGES AND CULVERTS.**

No person shall injure or misplace any part of any bridge, culvert, ditch, or drain, or other property belonging to, or used by, the town, or shall place any obstruction in any culvert, ditch, or drain, to prevent the free flow of water on, or over, the streets of the town.

(Code 1976, § 5.7)

#### **Statutory reference:**

*Obstructing highway drains, G.S. § 136-92.*

#### **§ 19-209 DAMAGE TO LIGHTS AND SIGNS.**

No person shall injure, tamper with, remove, or paint upon, or deface, any sign, signpost, streetlight, traffic signal, or bulletin board, or other municipal property, upon the streets and sidewalks, except employees of the town in performance of their duties.

(Code 1976, § 5.8)

#### **Cross-reference:**

*Traffic and Motor Vehicles, Ch. 20.*

#### **§§ 19-210 TO 19-299 RESERVED.**

## ARTICLE III: OBSTRUCTIONS

### Section

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- 19-302 Display of goods restricted
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**Cross-reference:**

*Police, Ch. 18.*

**Statutory reference:**

*Obstructing highways and roads, G.S. §§ 136-90, 136-91.*

## **DIVISION 1. GENERALLY**

### **§ 19-301 ASSEMBLY ON SIDEWALK.**

All crowds, or assemblages, of persons that shall congregate on the streets or sidewalks of the town, thereby obstructing the street to the inconvenience of pedestrians, shall be dispersed by the police, and any person who refuses to obey the warning of the officer shall be deemed to violate this section. This section shall apply to groups that have obtained permit pursuant to Division 2 of this article, as well as to unpermitted groups.

(Code 1976, § 5.16)

### **§ 19-302 DISPLAY OF GOODS RESTRICTED.**

No person shall place, for display or sale, any goods, wares, or merchandise of any kind upon any of the sidewalks of the town, which shall extend out on the sidewalks, except in front of his or her own place of business, and in accordance with the requirements of Chapter 17, "Planning, Zoning, and Subdivision Control", of this code.

(Code 1976, § 5.25)

**Cross-reference:**

*Businesses and Trades, Ch. 6.*

### **§ 19-303 PLACING OBJECTS ON STREETS AND SIDEWALKS.**

No brick, stone, or wood, or other substances obstructing the free passage of persons and vehicles, shall be placed, or suffered, to lie in any of the alleyways, streets, or other routes of the town, nor shall any person place on, or in, any of the streets, sidewalks, or alleyways of the town any boxes, crates, casks, or barrels of any description, or any other obstruction of any kind; provided, that any person erecting a building may, with written permission from the Town Public Works Director, place building material for immediate use on the streets in such a way as to not interfere with the usual traffic.

(Code 1976, § 5.26)

### **§ 19-304 CONSTRUCTION NEAR SIDEWALKS.**

Before building, or remodeling, at any place where the same is in close proximity to the sidewalk, an overhead covered passageway shall be constructed so as to leave the sidewalk unobstructed, and provide safe and easy passage. Such passageway shall comply with the requirements of the *State Building Code*.

(Code 1976, § 5.27)

**Cross-reference:**

*Buildings and Building Regulations, Ch. 5.*

### **§ 19-305 SHEDS AND AWNINGS.**

No person shall erect, or repair, over any sidewalk, or street, any wooden shed or awning, or any wooden shed for the support of an awning, or erect upon any street, or sidewalk, any post for the support of any awning. If any person shall violate this section, then each day that the above forbidden structure shall remain after notice shall constitute a separate violation; provided, that this shall not be construed to prevent the erection over the sidewalk of cloth awnings supported upon metallic frames firmly suspended from the building; attached wooden or metal awnings; or covered colonnades or

arcades. Any structure extending over a sidewalk shall be built in compliance with the *State Building Code*.

(Code 1976, § 5.28)

## **§§ 19-306 TO 19-320 RESERVED.**

## **DIVISION 2. PARADES AND PICKETS.**

### **§ 19-321 DEFINITIONS.**

For the purpose of this division, the following definitions shall apply unless the context clearly indicates, or requires, a different meaning.

**BLOCK.** The portion of any street lying between its intersections with other streets.

**GROUP DEMONSTRATION.** Any assembly together, or concert of action between, or among, two or more persons for the purpose of protesting any matter, or of making known any position, or promotion of such persons, or of, or on behalf of, any organization, or class of persons, or for the purpose of attracting attention of such assembly.

**PARADE.** Any assemblage of two, or more, persons participating in, or operating any vehicle in, any march, ceremony, show, exhibition, or procession of any kind in, or upon, the public streets, sidewalks, alleys, parks, or other public grounds or places.

**PICKET LINE.** Any two, or more, persons formed together for the purpose of making known any position, or promotion of such persons, or on behalf of any organization, or class of persons.

(Code 1976, § 5.17)

#### **Cross-reference:**

*Definitions and rules of construction generally, § 1-102.*

### **§ 19-322 PERMIT REQUIRED.**

It shall be unlawful for any person to organize, conduct, or participate in any parade, picket line, or group demonstration in, or upon, any street, sidewalk, alley, or other public place within the town unless a permit therefor has been issued by the town in accordance with the provisions of this division.

(Code 1976, § 5.18) Penalty, see § 1-111

### **§ 19-323 REQUIREMENTS AND ISSUANCE OF PERMITS.**

(A) The Chief of Police, or his or her designee, shall issue permits as required in § 19-322, and in the issuance thereof he or she shall:

(1) Require a written application for permit to be filed not less than 24 hours in advance of such parade, picket line, or group demonstration, which application shall specify the time and place for the commencement of any such picket line, and the time, place, route, and duration of any such parade, or group demonstration;

(2) Refuse to issue such permits for parades, picket lines, or group demonstrations to commence before 6:00 a.m., or terminate later than 30 minutes after sundown;

(3) Refuse to issue such permits for parades, or group demonstrations, to be held at the same time and place as those designated in a permit issued pursuant to a written application previously received by the Chief of Police, or his or her designee;

(4) Require that the application for a permit specify whether or not minors below the age of 18 years will be permitted to participate; and

(5) Require that the application for a permit shall specify, and the permit shall designate, the person in charge of the activity. Such person shall be required to accompany the parade, picket line, or group demonstration, and shall carry such permit with him or her at that time.

(B) Such permit shall not be valid in the possession of any other person.

(Code 1976, § 5.19)

### **§ 19-324 CERTAIN ACTIVITIES PROHIBITED.**

(A) The following acts or activities, when performed, or undertaken, in conjunction with, or as a part of, any parade, picket line, or group demonstration, are hereby prohibited and declared unlawful:

(1) The carrying on, or about, the person of any firearm, or any item which, by their use, might constitute a deadly weapon; and

(2) The taking, or keeping, of a dog, or other vicious animal, whether leashed or unleashed.

(B) Subsection (A)(1) above does not apply to an individual who possesses a valid concealed carry permit, and who is carrying a handgun in compliance with the terms, and conditions, of that permit, and in a concealed manner.

(C) The purpose of this section is not to restrict, or prohibit, expression protected by the First Amendment. Where the display of firearms or other weapons, or the taking or keeping of a viscous animal, is primarily to convey a message protected by the First Amendment, such acts shall be permitted if:

(1) The person, or group, accurately describes the proposed act(s) in the application for the permit required by §9-322; and

(2) If the person, or group, can demonstrate, to the satisfaction of the Chief of Police, that the proposed act(s) will not present a threat to public safety.

(Code 1976, § 5.20) (Ord. 6-2020, passed 2-11-2020) Penalty, see §1-111

#### **§ 19-325 REVOCATION OF PERMIT.**

The Chief of Police shall revoke any permit granted for a parade, picket line, or group demonstration for any of the following causes:

(A) The violation by any participant of § 19-324; or

(B) The failure to comply with the terms, and conditions, of the permit.

(Code 1976, § 5.21)

#### **§ 19-326 INTERFERENCE PROHIBITED.**

No person shall hamper, obstruct, impede, or interfere with any parade, picket line, or group demonstration being conducted under authority of a permit duly issued by the Chief of Police.

(Code 1976, § 5.22)

#### **§ 19-327 ADDITIONAL REGULATIONS APPLICABLE TO PICKETING.**

Picket lines and picketing shall be subject to the following additional regulations:

(A) Picketing may be conducted only on the sidewalks reserved for pedestrian movement, and may not be conducted on the portion of a street used primarily for vehicular travel;

(B) Not more than ten pickets promoting the same objective shall be permitted to use either of the two sidewalks within a single block at any one time;

(C) Pickets may carry written, or printed, placards or signs not exceeding two feet in width, and two feet in length, promoting the objective for which the picketing is done;

(D) Pickets must march in single file and not abreast, and must not march closer together than 15 feet, except in passing one another. Pickets shall not be allowed to walk more than five feet from the curb line, and shall be in continuous motion;

(E) If pickets promoting different objectives desire to use the same sidewalk for picketing, and such use would result in the presence of more than ten pickets thereon, the Chief of Police shall allot time to each group of pickets for the use of such sidewalk on an equitable basis; and

(F) Pickets shall not target a private residence.

(Code 1976, § 5.23)

#### **§ 19-328 EXCEPTIONS.**

This division shall not apply to:

(A) Funeral processions; or

(B) Any governmental agency acting within the scope of its functions.

(Code 1976, § 5.24)

### **DIVISION 3. FILMING**

#### **§ 19-329 PURPOSE.**

(A) The town recognizes film production as an important economic activity which benefits the community. However, such activity requires regulation to ensure that citizens, property, traffic flow, and public safety are protected, and the least amount of disruption to the community occurs.

(B) The purpose of these regulations is to facilitate advance planning, coordinate scheduling, and arrange for appropriate town services and operations to serve the film production event in an efficient manner. To serve this purpose, film production companies are required to secure a film permit in advance of any film production activity.

## § 19-330 DEFINITIONS.

For the purpose of this division, the following definitions shall apply unless the context clearly indicates, or requires, a different meaning.

**CHARITABLE.** Motion pictures, television programs, or video tapes produced by a nonprofit organization which qualifies under § 501(c)(3) of the Internal Revenue Code, being 26 U.S.C. § 501(c)(3), as a charitable organization.

**FILM LIAISON.** The town staff member who administers the film ordinance and permit application process, the Town Manager, or his or her designee.

**FILM PERMIT.** A document issued by the town upon completion of the application process that officially approves the film production, and identifies requirements for appropriate town services and operations, and after payment of any required fees.

**FILM PRODUCTION.** All activity attendant to staging, or shooting, motion pictures, television shows or programs, commercials, videotapes, or similar productions. **FILM PRODUCTION** shall be deemed to include all activity attendant to the arrival, and set up, of base camps, equipment, and vehicles, and the take down, and departure, of same.

**LOCATION MANAGER.** A representative of the film organization, or the individual in charge of planning, and implementing, the film production. The person submitting the permit application must be an adult age 18 years or older.

**NEWS MEDIA.** The photographing, filming, or videotaping for the purpose of television news broadcast, or reporting for print media, by reporters, photographers, or camerapersons.

**PRODUCTION COMPANY.** The film production organization which is planning, and implementing, the film production.

**STUDENT FILM PRODUCTION.** The photographing, filming, or videotaping for educational purposes, with a letter from the student's school verifying the student's status.

**TOWN SERVICES.** Services provided by the town in support of special events, including regular and over-time staff hours, supplies, and other services.

## § 19-331 APPLICATION.

This division shall apply to any film production activities taking place within the town limits, whether on public or private property. Examples of film production activities include, but are not limited to, staging or shooting motion pictures, television shows or programs, videotapes, and commercials.

## § 19-332 EXCEPTIONS.

This division shall not apply to:

- (A) News media activities;
- (B) Charitable film production; or
- (C) Student film production.

## § 19-333 FILM PERMIT.

(A) At the beginning of the film planning process, the location manager should contact the film liaison to discuss the planned film production, and to obtain a copy of the film application. Prior to the submittal of the application, a pre-production meeting is required between the film liaison and the location manager. Other agencies may be included in this meeting as needed. A complete listing of all anticipated locations with tentative dates is requested at this time, as the film liaison, or other agency representatives, may know of possible conflicts with town services, local events, or other filming activities of which the location manager may not be aware.

(B) The production company should complete the application with required attachments, and return it to the film liaison no later than 30 days prior to film production. The film liaison will review the application for completeness, and route the application to the appropriate town staff for acknowledgment of service, and operations support for the event and for comment. When all requirements listed on the application have been met, the film liaison will issue a film permit to the location manager for the specific film production activity at the specified times and locations. The town reserves the right to deny film activities that, in the town's view, pose a threat to public health and safety, and/or if determined that the production company will be unable to provide adequate services to ensure public health and safety during the activity. The film liaison may convene the appropriate town staff to meet with the location manager prior to issuing the permit, and as needed after the permit is issued to facilitate coordination of activities and services.

## § 19-334 CHANGE IN PLANS.

The permit is issued based on the conditions outlined in the permit application. The location manager must notify the film liaison about any changes in plans, activities, and/or service requirements no later than three weeks prior to the event so that accommodations can be made, if feasible. If accommodations for the proposed changes are not feasible, then the location manager must follow the arrangements specified in the permit application.



### **§ 19-335 PERMIT AMENDMENTS.**

The film liaison should document changes in plans, in writing, as an amendment to the film permit, and circulate to respective town departments.

### **§ 19-336 PERMITTING AND NOTIFICATION PROCEDURE.**

The production company is responsible for notifying all businesses and residents affected by the film production. Notification shall take place following the town's review of the application, and no less than ten business days prior to any film production activity. The production company must notify affected businesses and residents of the planned activity. The film liaison shall determine the extent of the required notification.

### **§ 19-337 NOTIFICATION REQUIREMENTS.**

(A) Notification shall include a copy of the film permit application and a cover letter from the production company, and shall include detailed information concerning the location, and duration, of the filming activities, as well as specifics regarding lights, noise, traffic, and parking where applicable, and contact phone numbers. Maps and other pertinent information may be included as well.

(B) The cover letter provided by the production company shall provide notice of a five business day call-in period, as outline in § 19-338.

### **§ 19-338 BUSINESS OR RESIDENT CONCERNS.**

(A) Businesses and residents within the required notification area shall have a five business day call-in period, during which they may contact the film liaison to ask any questions, or express concerns or objections.

(B) The film liaison will attempt to address objections and concerns in consultation with the location manager.

### **§ 19-339 PERMIT ISSUANCE.**

At the end of the call-in period, the film liaison will issue the film permit if all reported concerns, and objections, have been adequately addressed.

### **§ 19-340 PERMIT AMENDMENTS.**

If the film production activities differ substantially from the film permit application, the production company shall re-notify affected businesses and residents, in accordance with §§ 19-336, 19-337, and 19-338.

### **§ 19-341 INSUFFICIENT NOTICE.**

The town reserves the right to deny, or revoke, permits where insufficient time has been allowed for proper notification, or when the notification process has been improperly applied.

### **§ 19-342 STREET CLOSURES.**

Production companies who wish to temporarily close a street inside the town limits must also complete a street closure application. Applications for closures of town-maintained streets must be submitted a minimum of 30 days prior to the requested closure date. The production company may be responsible for town costs involved in closing the street. If the request involves closure of a state-maintained street, the application would also need to be submitted in advance to the State Film Commission for approval.

### **§ 19-343 TRAFFIC CONTROL.**

Traffic control, if needed, shall be handled by off-duty police officers hired by the production company, or as otherwise approved by the Town Police Department. The Town Police Department reserves the right to determine the number of officers needed.

### **§ 19-344 SPECIAL EFFECTS, EXPLOSIVES, AND SIMILAR DEVICES.**

No film activity which involves the use of explosives, pyrotechnics, fire, smoke making machines, or other special effects of a similar nature may be undertaken unless specifically approved by the Town Fire Department. The Town Fire Department reserves the right to require the presence of off-duty fire personnel during any film activity which involves the use of hazardous materials.

### **§ 19-345 REMOVAL OF VEGETATION.**

Removal, or alteration, of vegetation in the public right-of-way, or on town-owned lands, is prohibited unless specifically approved by the film permit.

### **§ 19-346 CLEAN UP.**

The production company is fully responsible for clean up and proper disposal of all waste and materials produced.

## § 19-347 GENERAL RESTRICTIONS.

The following restrictions and standards apply to film production in the town:

- (A) Clear access must be provided, and maintained, for all emergency vehicles;
- (B) Production vehicles and equipment shall not block fire hydrants, driveways, or other access ramps unless authorized by the town, and/or affected businesses or residents;
- (C) Production vehicles and equipment must be parked in such a way as to not impede safe lines of vision at intersections, and comply with all town ordinances regarding on-street parking;
- (D) Lighting for filming, both during the day and at night, should not interfere with the safe movement of traffic;
- (E) Production companies blocking, or holding, traffic on streets schedules for trash/recycling pickup or leaf collection must allow trucks to access those areas for normal pickup;
- (F) Production companies are responsible for returning any public rights-of-way used for filming, base camp, or other purposes to their original condition in a timely manner, and for repairing damage to foliage, grass, or public property;
- (G) The town reserves the right to require the presence of police officers or fire personnel during, or before, any filming;
- (H) In the event of natural or civil disasters, the town reserves the right to cancel all outstanding film permits on both public, and private, properties within town limits. Should evacuation of a street or neighborhood be deemed necessary by fire, police, or other emergency authorities, all outstanding permits for that area are null and void. Permits will be re-granted as soon as possible following a safety evaluation by the town;
- (I) The town reserves the right to change, modify, update, or waive the provisions of these standards where necessary for the public's safety; and
- (J) The town reserves the right to cancel filming permits, and/or take further restrictive actions where necessary to assure adherence to these standards.

## § 19-348 INSURANCE.

(A) All film productions are required to maintain liability insurance policies for filming on location within the town. The following minimal policy amounts are required:

<b>Type of Insurance</b>	<b>Amount to be Paid</b>
Automobile liability	\$1,000,000
General liability insurance	\$1,000,000
Workers' compensation and employer's liability	\$1,000,000

(B) While these minimum insurance amounts found in subsection (A) above are required, each filming will be treated on a case-by-case basis. If the production company has high hazard events planned, then these amounts may be increased. Examples of high hazard events include, but are not limited to, using a vehicle to jump a railroad track, using a significant amount of explosives or pyrotechnics, or demolition of a building or vehicle. The film liaison will determine if insurance amounts need to be increased.

## § 19-349 DISCLAIMER OF LIABILITY; INDEMNITY.

(A) Every production company to whom a filming permit is issued, and every person who participates in filming events acknowledges, and agrees, that the town, its elected officials, and employees shall not be held liable for any injury, loss, damage, liability, or obligation arising out of, or connected in any manner with, the planning, permitting, or conduct of the film production.

(B) Every production company to whom a filming permit is issued, as a condition of the issuance of the filming permit, agrees to indemnify, and hold harmless, the town, its elected officials, and employees with respect to any, and every, claim, demand, cause of action, injury, loss, damage, liability, and obligation arising out of, or connected in any manner with, the planning, permitting, or conduct of the film production. The town shall require written acknowledgment of the disclaimer of liability and the indemnity set out herein.

## § 19-350 PERMITS, FEES, AND DEPOSITS.

Some film productions may include activities that require the issuance of one, or more, permits by the town, as outlined in the town fee schedule. Other charges may include:

- (A) *Off-duty city personnel.* Some film productions may require the use of off-duty town police or fire personnel. Such personnel may be hired directly by the production company for four-hour minimum periods of time;
- (B) *Use of town services or facilities.* Production companies that wish to use town services or facilities will be charged the

same fee as others for the service or facility used. Production companies that wish to use town services, for which a fee has not been established, will be charged at the discretion of the town on the basis of time, equipment, and materials. The town reserves the right to deny requests for use of town services or facilities; and

(C) *Deposit required.* Prior to the granting of any film permits, the town will require production companies to assure their financial responsibility through a \$5,000 cash deposit. Upon completion of filming, the deposit will be returned after the production company has paid all outstanding bills owed to the town.

## **DIVISION 4. SPECIAL EVENTS**

### **§ 19-351 DEFINITIONS.**

For the purpose of this division, the following definitions shall apply unless the context clearly indicates, or requires, a different meaning.

**PERMIT.** A written authorization, as required by this division.

**SPECIAL EVENT.** Any planned or organized event intended to attract, and/or assemble, ten or more persons on town-owned property, or within state or town rights-of-way, for festivals, celebrations, concerts, shows, exhibitions, or similar occurrences.

**TOWN MANAGER.** The Town Manager, and his or her designee.

**VENUES.** The streets and properties either owned by the town or for which the town has joint use, or potential joint use, suitable for the assembly of citizens for parades and/or special events.

### **§ 19-352 PERMIT REQUIRED.**

(A) No person shall engage in, participate in, aid, form, or start, any special event unless a permit shall have been obtained from the Town Manager; and, provided further, that no person may conduct, or otherwise participate in, any special event between 10:30 p.m. and 6:00 a.m.

(B) This section shall not apply to:

(1) Funeral processions;

(2) Any governmental agency acting within the scope of its function; or

(3) Temporary closing of streets by a department of the town for activities related to maintenance, repair, construction, alteration, or other official duties of such department.

### **§ 19-353 APPLICATION.**

(A) *General.* An individual seeking issuance of a permit shall file an application with the Town Manager on forms provided by the town.

(B) *Filing period.* An application for a permit shall be filed with the Town Manager at least 30 business days, and no more than 180 days prior to the time at which it is proposed to conduct the parade or special event. The Town Manager shall not approve any application for a permit when the Town Manager finds that there is a conflict in both schedule and location (venue) with some other event for which a permit has been previously granted.

(C) *Contents.* The application for a permit shall set forth the following information:

(1) The name, address, and telephone number of the individual seeking to conduct such parade or special event;

(2) If the special event is proposed to be conducted for, on behalf of, or by an organization, then the name, address, and telephone number of the headquarters of the organization, and of the authorized, and responsible, heads of such organization;

(3) The name, address, and telephone number of the person to be in charge of the special event, and who will accompany him or her, and carry the permit at all times;

(4) The date on which the parade, or special event, is to be conducted, and the hours that such special event will start and terminate;

(5) If the proposed activity involves closing a town road, then the proposed route to be traveled, including the starting point and the termination point, shall be denoted on the application. The applicant shall include a statement as to whether the special event is proposed to occupy all, or any, portion of the width of any street within the town. If the road is a state street, written permission must be provided from the State Department of Transportation;

(6) The approximate number of persons who, and animals and vehicles which, will constitute such special event; the general type of animals, and general description of the vehicles;

(7) If the parade, or special event, is designed to be held by, or on behalf of, or for any individual or entity other than the applicant, the applicant for such permit shall file, with the Town Manager, a written document from the person, or entity, proposing to hold the special event, authorizing the applicant to apply for the permit on the person's, or entity's, behalf; and

(8) The location by address, or commonly known name of any assembly area that the applicant proposes as the venue, together with a description of the activities planned during the event, including, but not limited to, a description of any sound amplification equipment that will be used during the assembly.

#### **§ 19-354 REQUIREMENTS FOR ISSUANCE.**

Within ten business days after the filing thereof, the Town Manager shall issue a permit, as provided in this section, if:

(A) The applicant for the permit has agreed to abide by the standards set forth in this division, or any other town ordinance, which are necessary measures to promote the health, safety, and welfare of the community;

(B) The location proposed for the event appears to be a proper venue, taking into consideration the number of expected participants, the type of event, any resources requested of the town, the volume of sound, the length of the proposed event, and the anticipated parking needed; and, the venue can be used for such an event so that the reasonable expectations of residents, and businesses, can be balanced against the reasonable needs of the applicant;

(C) No other special event has previously been issued a permit for the same date and location as requested in the application. If two or more applications request the same date for a parade, or special event, the Town Manager shall consider the applications in the order they were filed;

(D) The proposed special event does not conflict with the temporary closing of streets by a department of the town for activities related to maintenance, repair, construction, alteration, or other official duties of such department; and

(E) The time, route, or size of the proposed special event will not disrupt the use of a public vehicular street ordinarily subject to significant congestion or traffic, unless reasonable provision can be made by the town for the safe, and orderly, movement of vehicular and pedestrian traffic along alternate routes during the proposed special event;

(F) The conduct of the special event will not require the diversion of so great a number of Town Police Officers to properly police the parade, or special event, and the areas contiguous thereto, as to prevent normal police protection in the town;

(G) General liability insurance is provided for the event; and/or

(H) All effected town departments have approved the proposed special event.

#### **§ 19-355 DENIAL OF PERMIT REQUEST; ALTERNATIVE PERMIT; APPEAL.**

(A) If the Town Manager disapproves the application, he or she shall notify the applicant of the decision, stating the reasons for the denial of the permit. Upon the denial of an application for a permit made pursuant to this division, the applicant may appeal to the Town Council within five business days from the date notice of the denial is mailed to the applicant, by first-class mail, to the address of the applicant on the application. Appeal may be made, in writing, to the Town Manager who shall set the appeal for hearing by the Town Council for the next regularly scheduled Council meeting.

(B) The Town Manager, in approving an application for a permit, may authorize the special event at a date, time, route, or location different from that proposed by the applicant. The Town Manager shall state the reasons for the issuance of the alternative permit location based on the criteria listed in § 19-354. An applicant desiring to accept a permit for a place and/or time differing from that proposed shall, within five days of the issuance of the permit, file a written notice of acceptance of the same with the Town Manager. Appeal of location may be made by filing an appeal, in writing, to the Town Manager who shall set the appeal for hearing by the Town Council for the next regularly scheduled Council meeting.

#### **§ 19-356 STANDARDS APPLICABLE TO SPECIAL EVENTS.**

(A) The person designated by the applicant as the person responsible for the physical conduct of the parade, or special event, shall be physically present, and accept responsibility for compliance with any, and all, terms of the permit.

(B) The applicant shall file with the Town Manager a waiver signed by the applicant releasing, and saving, the town and its employees harmless for any claims, actions, and lawsuits arising out of the conduct of the parade, or special event, excepting injuries or damages proximately caused by the town.

(C) Every special event shall remain in the parameters designated, and approved, by the Town Manager.

(D) No person shall unreasonably hamper, obstruct, impede, or interfere with any special event, or with any person, vehicle, or animal participating, or used, in a special event.

(E) The person designated in the application as responsible for the special event shall be responsible for ensuring that any booths, stands, or other equipment used in the special event are removed from the area within a reasonable amount of time.

#### **§ 19-357 RESPONSIBILITY OF PARTICIPANTS AND PERSON IN CHARGE.**

Participants in a special event are required to abide by this division and the terms of the permit issued pursuant to this division. Willful violation thereof will constitute a violation of this division, and is punishable as provided by law.

#### **§ 19-358 REVOCATION OF PERMIT.**

The Town Manager, or his or her designee, may revoke any permit granted for a special event if:

(A) Any participant in a special event violates the standards for the conduct of special events set out herein; or

(B) Any participant in a special event fails to comply with the formation, terms, or conditions set out in the application and permit, or fails to comply with the terms of this division.

**§§ 19-359 TO 19-399 RESERVED.**

**ARTICLE IV: RAILROAD CROSSINGS**

Section

19-401 Regulation

19-402 Bridges and underpasses

19-403 to 19-499 Reserved

**Cross-reference:**

*Traffic and motor vehicles, Ch. 20.*

**Statutory reference:**

*State control of railroad crossings, G.S. § 136-20.1; municipal control of railroad crossings, G.S. § 160A-298.*

**§ 19-401 REGULATION.**

(A) The Council may direct, control, and prohibit the laying of railroad tracks and switches in public streets and alleys. All railroad tracks, crossings, and bridges shall be constructed so as not to interfere with drainage patterns, or with the ordinary travel and use of the public streets and alleys.

(B) The costs of constructing, reconstructing, and improving public streets and alleys, including the widening thereof, within areas covered by railroad cross-ties, including cross timbers, shall be borne equally by the town and the railroad company. The costs of maintaining, and repairing, such areas after construction shall be borne by the railroad company.

(C) For those grade crossings listed in Appendix A, § 101 of this code, which is hereby made a part of this section, the railroad operating trains or locomotives, or rolling stock of any kind over the same, shall maintain, at all times, suitable crossing gates, which shall be closed when any train, locomotive, or other rolling stock is passing over, or approaching, near to the crossing for the purpose of passing over the same. In lieu of the foregoing, the railroad may install and maintain highway grade crossing automatic flashing light signals with, or without, short arm gates. The costs of installing, and maintaining, safety devices shall be apportioned between the town and the railroad company, as provided in G.S. § 160A-298(c).

(D) For those grade crossings listed in Appendix A, § 102 of this code, which is hereby made a part of this section, the railroad operating trains, locomotives, or rolling stock of any kind over the same shall either:

(1) Give timely warning of the approach of each train, locomotive, or other rolling stock, by a crossing watchman then on duty; or

(2) Cause each train, locomotive, or other rolling stock to be brought to a stop before entering onto the crossing, and to be preceded by a flagman on foot who shall give timely warning that it is about to enter upon the crossing.

(E) (1) For those grade crossings listed in Appendix A, § 103 of this code, which is hereby made a part of this section, the railroad operating trains, locomotives, or other rolling stock of any kind over the same shall do one of the following:

(a) Give timely warning of the approach of each train, locomotive, or other rolling stock by a crossing watchman then on duty;

(b) Cause each train, locomotive, or other rolling stock to be brought to a stop before entering on such crossing, and to be preceded by a flagman on foot who shall give timely warning that it is about to enter upon the crossing; or

(c) Install and maintain highway grade crossing automatic flashing light signals with, or without, short arm gates.

(2) The costs of installing, and maintaining, safety devices shall be apportioned between the town and the railroad company, as provided in G.S. § 160A-298(c).

(Code 1976, § 5.29)

**§ 19-402 BRIDGES AND UNDERPASSES.**

(A) (1) The Council may require that a grade crossing be eliminated, and replaced, by a railroad bridge, or by a railroad underpass, if the Council finds as a fact that the grade crossing constitutes an unreasonable hazard to vehicular or pedestrian traffic. In such event, the town shall bear 90% of the costs, and the railroad company shall bear 10% of the costs. If the town constructs a new street which requires a grade separation, and which does not replace an existing street, the town shall bear all of the costs. If a railroad company constructs a new track across at grade, or under, or over, an existing

street, the railroad company shall pay the entire cost thereof.

(2) The town shall pay the costs of maintaining street bridges which cross over railroads. Railroad companies shall pay the cost of maintaining railroad bridges over streets, except that the town shall pay the costs of maintaining street pavement, sidewalks, street drainage, and street lighting where streets cross under railroads.

(B) Whenever the widening, improving, or other changes in a street require that a railroad bridge be relocated, enlarged, heightened, or otherwise reconstructed, the town shall bear 90% of the costs, and the railroad company shall bear 10% of the costs.

(Code 1976, § 5.30)

**Statutory reference:**

*Similar provisions, G.S. § 160A-298(d), (e).*

**§§ 19-403 TO 19-499 RESERVED.**

**ARTICLE V: STREET NAMES**

Section

- 19-501 New streets named
- 19-502 Confirmation of existing street names
- 19-503 Changing existing street names
- 19-504 to 19-599 Reserved

**§ 19-501 NEW STREETS NAMED.**

The name of any new street created in a subdivision by means of plat approval, or in any other manner, shall be subject to approval by the Planning Board. New street names shall not duplicate, or be deceptively similar to, existing street names in the town or vicinity. Existing street names, however, shall be continued where existing streets are extended.

(Ord. 9-84, passed 10-8-1984)

**Cross-reference:**

*Subdivisions, §§ 17-501 et seq.*

**§ 19-502 CONFIRMATION OF EXISTING STREET NAMES.**

The names of streets within the town, as the same are shown on the town's zoning map as of October 8, 1984, are confirmed as the official names of those streets. A current map of the town showing the names of streets within the town shall be maintained in Town Hall, and available for public inspection.

(Ord. 9-84, passed 10-8-1984)

**§ 19-503 CHANGING EXISTING STREET NAMES.**

(A) Names of existing streets may be changed by the Town Council upon its own initiative, or upon receipt of a valid petition signed by at least 51% of the owners of property abutting the street right-of-way at issue. To be valid, a petition to change a street name shall be accompanied by a fee (see fee schedule), and shall contain a commitment from one, or more, property owners to pay the fee estimated by the town at the time the petition is submitted for each sign which would have to be changed if the street name is altered.

(B) Upon receipt of a valid petition, the Planning Board, which shall give notice to the owners of property abutting the affected street of the request for change, and of a public hearing which the Planning Board shall conduct on the issue. Based upon the comments and information received at the public hearing, and other relevant factors, the Planning Board shall make a report and recommendation upon the matter to the Town Council.

(C) After receipt of the Planning Board's report and recommendation, the Town Council shall conduct a public hearing upon the proposal prior to making any determination as to whether to approve, or deny, a change in the street name. The final decision to approve, or deny, a request shall be in the discretion of the Council.

(Ord. 9-84, passed 10-8-1984)

**§§ 19-504 TO 19-599 RESERVED.**

**ARTICLE VI: STORM DRAIN SYSTEM**

Section

- 19-601 Storm drainage

19-602 Ditch lines

19-603 Drain tile

19-604 Tie-ins

#### **§ 19-601 STORM DRAINAGE.**

(A) **STORM DRAINAGE** is defined as water runoff as a result of an act of God, consisting of any accumulation of water that may cause flooding of a town roadway and/or town right-of-way.

(B) The town shall provide a drainage system that will carry a flow of water from the roadway, preventing any build up of stormwater on the roadway, causing a danger to traffic flow, or damage to the roadway.

(C) The flow of stormwater shall be allowed to take a natural path as to the terrain of the land. At such time that the stormwater flow reaches a low point along the roadway, it shall be directed away from the roadway.

(D) At which time the stormwater flow is directed away from the road right-of-way, it shall then become the responsibility of the land owner to disperse of the water at the land owner's expense.

(Ord. 14-2003, passed 5-19-2003)

#### **§ 19-602 DITCH LINES.**

(A) **DITCH LINES** are defined as an indentation, ditch, or trough parallel with a road right-of-way, or turning away from the roadway where the primary purpose is to carry stormwater off, and away, from the roadway.

(B) The town will maintain all ditch lines running parallel to public streets controlled, and maintained, by the town.

(C) Maintenance shall include keeping ditch lines clear of any obstructions that may give reason for overflow or flooding. ditch lines will be kept as straight as possible with the roadway, and graded down to the point that any drain tile can, and will, receive a full flow of water if necessary.

(D) Drainage ditches that turn away from the roadway, and/or original ditch line parallel with the roadway, shall be the responsibility of the property owner. The property owner shall be responsible for keeping the ditch line clean of any debris that will obstruct the flow of stormwater, or that may cause stormwater to back up in the roadway, resulting in flooding.

(E) By the owner's choice, and acceptance by the town, the land owner may give the town permission to keep a private ditch line clean. Permission shall include a signed agreement giving the town a right-of-way easement of at least 15 feet on each side of the ditch line to get equipment on the property to do necessary clean up and maintenance. If the ditch line represents the property line between two land owners, an easement agreement will be necessary from each property owner. If an agreement from both property owners cannot be reached, the agreeing party will have to dedicate additional property for the easement width. Any other specific terms of the easement agreement shall be determined by the Town Public Works Director, or his or her designee, but the Town Council must give final approval for any easement agreement established pursuant to this subsection.

(F) The town will not be responsible for maintenance, or make any improvements on private property, except as stated in subsection (E) above.

(Ord. 14-2003, passed 5-19-2003)

#### **§ 19-603 DRAIN TILE.**

(A) **DRAIN TILE** shall be defined as a cylindrical pipe used to carry stormwater in the direction necessary to move water off, and away, from a roadway.

(B) All drain tiles serving a public roadway shall be a minimum of 15-inch diameter reinforced concrete tile, or 16-gauge corrugated metal pipe. Plastic piping may be used at the discretion of the Public Works Director. In some cases, a larger diameter sized pipe may be required depending upon drainage conditions, as determined by the Public Works Director, or his or her designee.

(C) If drain tile is needed, or requested, by the property owner for a drainage ditch, driveway, or driveway extension, the town may reply only according to the following guidelines:

(1) If the ditch, driveway, or driveway extension is parallel with the public roadway, or connects with the public roadway directly, the town will install such pipe as needed if the property owner pays for, and provides, the pipe;

(2) The town will provide the equipment and labor required to complete the installation. This also includes dirt and/or gravel that is required to backfill around the pipe and headwalls. Grass seed will be sewn in as necessary, and in the discretion of the Public Works Director. In any case, the town will not provide materials that were not directly removed by the town, including, but not limited to, extra asphalt, concrete, and gravel. Any extra materials must be provided solely by the property owner;

(3) The town shall not install drain tile for new construction. New construction shall include any residence or business less than one year old. This shall be the responsibility of the property owner. In addition, the property owner is responsible for the installation of a drainage system for new subdivisions according to town, or state, standards; and

(4) The town shall only install drain tiles up to 20 feet in length to accommodate a standard driveway entrance. Drain tiles beyond the entrance of the driveway shall not be installed by the town.

(D) In cases where a drainage ditch runs directly away from the roadway and onto, or through, a property owner's land, it will be the property owner's responsibility to install, and maintain, drain tile. drain tiles and ditch lines connecting to town maintained ditch lines and drain tiles must meet town specifications, and the requirements of this policy.

(E) If a property owner enters into an agreement with the town for the maintenance of a ditch line, and if at any time thereafter the property owner constructs in a ditch covered by the agreement a pipeline that turns away from the roadway, the agreement shall become null and void. The maintenance of the pipe line shall then become the responsibility of the property owner, and the town shall have no further maintenance obligations with regard to the ditches previously covered by the agreement.

(F) The town will not be responsible for maintenance, or make any improvements on private property except as stated above.

(Ord. 14-2003, passed 5-19-2003)

#### **§ 19-604 TIE-INS.**

(A) **TIE-INS** shall be defined as any pipe of any kind connecting into a drain tile or line that is primarily used to carry stormwater.

(B) The town shall not permit a property owner to tie a drain of any kind into a storm drain. Drains such as fountain drains, gutter drains, basement drains, or any other drain that may carry water from the property owner's home, business, accessory buildings, or landscape must be cut loose, and removed, so that it empties away from any drain tile or catch basin.

(C) The town cannot, and will not, accept responsibility for such a tied in storm drain if the drain should back up and cause any damage in any way.

(D) If a property owner chooses to pipe a ditch line and wishes to connect to a town drain, it must be done in a manner that is in accordance with this policy.

(Ord. 14-2003, passed 5-19-2003)