

CHAPTER 19. STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES*

ARTICLE I. IN GENERAL

Sec. 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 references-Garbage and refuse, Ch. 11; health and sanitation, Ch. 12.

State law reference-Regulation of garbage on public streets, G.S. § 160A-303.1.

Sec. 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)

Sec. 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)

Sec. 19-104. Bicycles and motorized vehicles on sidewalks prohibited.

Repealed.

(Ordinance 27-2006)

Sec. 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)

State law reference-Regulation of pedestrian activity, G.S. § 160A-300.

* **Cross references**-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; riding on sidewalks, § 20-1011; utilities, Ch. 21; streets and sidewalks, App. A; traffic, App. B.

State law references-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.

Sec. 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)

Cross reference-Advertising, § 15-102.

Sec. 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.

State law reference-Violation of local ordinances misdemeanor, G.S. § 14-4.

Secs. 19-108-19-199. Reserved.

ARTICLE II. DAMAGING STREETS AND SIDEWALKS

Sec. 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)

State law reference-Regulation of digging, G.S. § 160A-296(A)(6).

Sec. 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)

Sec. 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)

Sec. 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 (3) 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)

Sec. 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, bitulithic, 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)

Sec. 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 one thousand dollars (\$1,000) to cover damage done to such street or sidewalk or to any property of any person.

(Code 1976, § 5.6)

Cross reference-Buildings and building regulations, Ch. 5.

Sec. 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)

Sec. 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)

State law reference-Obstructing highway drains, G.S. § 136-92.

Sec. 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.

Secs. 19-210-19~299. Reserved.

ARTICLE III. OBSTRUCTIONS*

DIVISION 1. GENERALLY

Sec. 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)

Sec. 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 own place of business and in accordance with the requirements of Chapter 17, "Planning, Zoning and Subdivision Control," of this ordinance.

(Code 1976, § 5.25)

Cross reference-Businesses and trades, Ch. 6.

Sec. 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)

Sec. 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 North Carolina State Building Code.

(Code 1976, § 5.27)

Cross reference-Buildings and building regulations, Ch. 5.

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

Sec. 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 North Carolina State Building Code.

(Code 1976, § 5.28)

Secs. 19-306-19-320. Reserved.

DIVISION 2. PARADES AND PICKETS*

Sec. 19-321. Definitions.

For the purpose of this division the following terms shall have the definitions ascribed:

Block shall mean that portion of any street lying between its intersections with other streets.

Group demonstration shall mean any assembly together or concert of action between or among two (2) 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 shall mean any assemblage of two (2) 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 shall mean any two (2) 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.

Sec. 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)

Sec. 19-323. Requirements and issuance of permits.

The chief of police or his/her designee shall issue permits as required in section 19-322 and in the issuance thereof he shall:

(1) Require a written application for permit to be filed not less than twenty-four (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 thirty (30) minutes after sundown;

* Cross reference-Police, Ch. 18.

(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 designee;

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

(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 at that time. Such permit shall not be valid in the possession of any other person.

(Code 1976, § 5.19)

Sec. 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 weapon or article, including but not limited to blackjacks, nightsticks or flashlights which by their use might constitute a deadly weapon;

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

(b) 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 (i) the person or group accurately describes the proposed act(s) in the application for the permit required by section 19-322 and (ii) 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)

Sec. 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:

(1) The violation by any participant of section 19-324.

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

(Code 1976, § 5.21)

Sec. 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)

Sec. 19-327. Additional regulations applicable to picketing.

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

(1) 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

(2) Not more than ten (10) pickets promoting the same objective shall be permitted to use either of the two (2) sidewalks within a single block at anyone (1) time.

(3) Pickets may carry written or printed placards or signs not exceeding two (2) feet in width and two (2) feet in length promoting the objective for which the picketing is done.

(4) Pickets must march in single file and not abreast and must not march closer together than fifteen (15) feet, except in passing one another. Pickets shall not be allowed to walk more than five (5) feet from the curb line and shall be in continuous motion.

(5) 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 (10) pickets thereon, the chief of police shall allot time to each group of pickets for the use of such sidewalk on an equitable basis.

(6) Pickets shall not target a private residence.

(Code 1976, § 5.23)

Sec. 19-328. Exceptions.

This division shall not apply to:

(1) Funeral processions;

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

(Code 1976, § 5.24)

DIVISION 3. FILMING

Sec. 19-329. Purpose.

The Town of Maiden 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.

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.

Sec. 19-330. Definitions.

For the purpose of this division the following terms shall have the definitions ascribed:

News Media shall mean the photographing, filming, or videotaping for the purpose of television news broadcast or reporting for print media by reporters, photographers, or camerapersons.

Charitable Film Production shall mean motion pictures, television programs or video tapes produced by a non-profit organization which qualifies under Section 501(c)(3) of the Internal Revenue Code as a charitable organization.

Student Film Production shall mean the photographing, filming, or videotaping for educational purposes with a letter from the student's school verifying the student status.

Film Production shall mean 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 shall mean 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 and adult age 18 years or older.

Production Company shall mean the film production organization which is planning and implementing the film production.

Film Liaison shall mean the Town of Maiden staff member who administers the film ordinance and permit application process, the Town Manager or his/her designee.

Film Permit shall mean a document issued by the Town of Maiden 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.

Town Services shall mean services provided by the Town of Maiden in support of special events, including regular and over-time staff hours, supplies, and other services.

Sec. 19-331. Application.

This division shall apply to any film production activities taking place within Maiden 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.

Sec. 19-332. Exceptions.

This division shall not apply to:

- (a) News media activities;
- (b) Charitable film production
- (c) Student film production

Sec. 19-333. Film permit.

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.

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 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 of Maiden 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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 19-337. Notification requirements.

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. The cover letter provided by the Production Company shall provide notice of a five business day call-in period as outline in Section 19-338.

Sec. 19-338. Business or resident concerns.

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. The Film Liaison will attempt to address objections and concerns in consultation with the Location Manager.

Sec. 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.

Sec. 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 Sections 19-336, 19-337, and 19-338 above.

Sec. 19-341. Insufficient notice.

The Town of Maiden 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.

Sec. 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 North Carolina Film Commission for approval.

Sec. 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 of Maiden Police Department. The Maiden Police Department reserves the right to determine the number of officers needed.

Sec. 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 Maiden Fire Department. The Maiden 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.

Sec. 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.

Sec. 19-346. Clean up.

The Production Company is fully responsible for clean-up and proper disposal of all waste and materials produced.

Sec. 19-347. General restrictions.

The following restrictions and standards apply to film production in the Town of Maiden:

- (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 of Maiden 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 pick up or leaf collection must allow trucks to access those areas for normal pickup;
- (f) Production companies are responsible for returning any public right of ways 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;
- (j) The Town reserves the rights to cancel filming permits and/or take further restrictive actions where necessary to assure adherence to these standards.

Sec. 19-348. Insurance.

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

General Liability Insurance	\$1,000,000
Automobile Liability	\$1,000,000
Worker's Comp and Employer's Liability	\$1,000,000

While these minimum insurance amounts 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.

Sec. 19-349. Disclaimer of liability; Indemnity

Every production company to whom a Filming Permit is issued and every person who participates in filming events acknowledges and agrees that the Town of Maiden, 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.

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 of Maiden, 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 of Maiden shall require written acknowledgment of the disclaimer of liability and the indemnity set out herein.

Sec. 19-350. Permits, fees, and deposit.

Some film productions may include activities that require the issuance of one or more permits by the Town, as outlined in the Town of Maiden 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 City 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.
- (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

Sec. 19-351. Definitions.

As used in this division, the following terms shall have the respective meanings ascribed to them:

Town Manager: Shall include the Town Manager and his or her designee.

Permit: A written authorization as required by this Division.

Special Event: Any planned or organized event intended to attract and/or assemble ten (10) or more persons on Town-owned property, or within State or Town Rights of Way, for festivals, celebrations, concerts, shows, exhibitions, or similar occurrences.

Venues: Those 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.

Sec. 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.
- (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.

Sec. 19-353. Application.

An individual seeking issuance of a Permit shall file an Application with the Town Manager on forms provided by the Town.

(1) *Filing period:* An Application for a Permit shall be filed with the Town Manager at least thirty (30) business days and no more than one hundred eighty (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.

(2) *Contents:* The Application for a Permit shall set forth the following information:

- a. The name, address, and telephone number of the individual seeking to conduct such parade or special event.
- b. If the special event is proposed to be conducted for, on behalf of, or by, an Organization: the name, address, and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization.
- c. The name, address, and telephone of the person to be in charge of the special event and who will accompany it and carry the Permit at all times.
- d. The date on which the parade or special event is to be conducted and the hours that such special event will start and terminate.
- e. 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 North Carolina Department of Transportation.
- f. 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.

g. 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 in the person's or entity's behalf.

h. 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.

Sec. 19-354. Requirements for issuance.

Within ten (10) business days after the filing thereof, the Town Manager shall issue a Permit as provided in this Section if:

- (1) 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;
- (2) 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, 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.
- (3) 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;
- (4) 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
- (5) 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.
- (6) 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.
- (7) General liability insurance is provided for the event.

(8) All effected Town Departments have approved the proposed special event.

Sec. 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 (5) 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 Section 19-354. An Applicant desiring to accept a Permit for a place and/or time differing from that proposed shall, within five (5) 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.

Sec. 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.

Sec. 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.

Sec. 19-358. Revocation of permit.

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

- (1) Any participant in a special event violates the standards for the conduct of special events set out herein; or
- (2) 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.

Secs. 19-359-19-399. Reserved.

ARTICLE IV. RAILROAD CROSSINGS*

Sec. 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, section 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, section 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) For those grade crossings listed in Appendix A, section 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:

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

* **Cross reference**-Traffic and motor vehicles, Ch. 20.

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

(2) 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

(3) 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).

(Code 1976, § 5.29)

Sec. 19-402. Bridges and underpasses.

(a) 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 ninety (90) percent of the costs and the railroad company shall bear ten (10) percent 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. 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 ninety (90) percent of the costs and the railroad company shall bear ten (10) percent of the costs.

(Code 1976, § 5.30)

State law reference-Similar provisions, G.B. § 160A-298(d), (e).

Secs. 19-403 - 19-499. Reserved.

ARTICLE V: STREET NAMES

Sec. 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. No. 9-84, § 1(5-400), 10-8-84)

Cross reference-Subdivisions, § 17-501 et seq.

Sec. 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. No. 9-84, § 1(5-401), 10-8-84)

Sec. 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 fifty-one (51) percent 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 (1) 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. No. 9-84, § 1(5-402), 10-8-84)

Sees. 19-504 - 19-599. Reserved.

ARTICLE VI. STORM DRAIN SYSTEM

Sec. 19-601. Storm drainage.

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.

(1) The Town of Maiden 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.

(2) 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.

(3) 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. No. 14-2003, § 1, 5-19-03)

Sec. 19-602. Ditch lines.

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.

(1) The Town of Maiden will maintain all ditch lines running parallel to public streets controlled and maintained by the town.

(2) 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.

(3) 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.

(4) By the owner's choice and acceptance by the town, the land owner may give the town permission in to keep a private ditch line clean. Permission shall include a signed agreement giving the town a right-of-way easement of at least fifteen (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 (2) 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 designee, but

the town council must give final approval for any easement agreement established pursuant to this subsection.

(5) The Town of Maiden will not be responsible for maintenance or make any improvements on private property except as stated in subsection (4) above.
(Ord. No. 14-2003, § 2, 5-19-03)

Sec. 19-603. Drain tile.

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.

(1) All drain tiles serving a public roadway shall be a minimum of fifteen (15) inch diameter reinforced concrete tile or sixteen (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/her designee.

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

- (i) 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.
- (ii) The Town of Maiden 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.
- (iii) The Town of Maiden shall not install drain tile for new construction. New construction shall include any residence or business less than one (1) 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.
- (iv) The Town of Maiden shall only install drain tiles up to twenty (20) feet in length to accommodate a standard driveway entrance. Drain tile beyond the entrance of the driveway shall not be installed by the Town of Maiden.

(3) 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.

(4) If a property owner enters into an agreement with 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.

(5) The Town of Maiden will not be responsible for maintenance or make any improvements on private property except as stated above.
(Ord. No. 14-2003, § 3, 5-19-03)

Sec. 19-604. Tie-ins.

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.

(1) The Town of Maiden 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.

(2) The Town of Maiden 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.

(3) 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. No. 14-2003, § 4, 5-19-03)

Adopted upon the 1st reading, this 5th day of May, 2014.

Robert L. Smyre, Mayor

Seal

ATTEST:

Wendy A. Vanover, Town Clerk