

CHAPTER 90: STREETS AND SIDEWALKS

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OBSTRUCTIONS, DRIVEWAYS AND EXCAVATIONS

§ 90.01 OBSTRUCTIONS PROHIBITED.

(A) Except as otherwise authorized by statute or ordinance (including §§90.07 and 90.08 below), and except to the extent required by the performance of some function authorized or mandated by a statute or ordinance, no person may obstruct or impede travel in the public streets or sidewalks within the town by placing or leaving any object within the traveled portion of the public right-of-way.

(B) Except as provided in this section, division (A) above applies, but is not limited to goods, wares or merchandise displayed for sale. Partial obstruction of a public sidewalk for a sidewalk sale is permissible in accordance with a permit issued by the Administrator upon a finding that:

- (1) The sale will not extend for more than 3 consecutive days;
- (2) The obstruction will take place only during daylight hours;
- (3) The permit, together with any other permits issued to the same applicant or to other applicants for sale at the same location, will not authorize an obstruction for more than ten days during any 365-day period; and
- (4) The sidewalk will only be partially obstructed, leaving at all times an unobstructed passageway in accordance with the Americans with Disabilities Act (ADA).

(C) If a permit is issued pursuant to division (B) above, no person may cause, suffer or permit the operation of a sidewalk sale in violation of the conditions set forth in divisions (B)(1) through (4) or any other conditions attached to the permit.

(D) Division (A) above shall not apply to temporary obstructions caused by persons engaged in construction work on abutting property when proper warning devices are maintained in accordance with § 90.04.

(E) Except as otherwise provided in this section, pertaining to sidewalk dining:

(1) *General.* Notwithstanding any other provisions of this code to the contrary, sidewalk dining shall be permitted and shall be subject to such regulations as are set forth in this section.

(2) *Permit required.* The establishment of a sidewalk dining area shall require the issuance of a permit in accordance with the requirements of this section. A permit shall not be required for sidewalk dining in instances where no seating or tables are provided.

(3) *Application.* Any restaurant, wine shop, or eating establishment, as defined herein, desiring to operate a sidewalk dining area shall prepare and file an application with the City Manager or his or her authorized representative, which shall contain the following information:

(a) The name, address and telephone number of the business desiring to operate a sidewalk dining area.

(b) The name, address and telephone number of the business operator.

(c) The type of food, beverage, or food product to be sold and served at or on the sidewalk.

(d) The hours of operation of the business and the proposed hours of operation of the sidewalk dining area.

(e) A drawing or site plan showing the section of sidewalk or pedestrian way to be used for the sidewalk café dining area, and the section to be kept clear for pedestrian and fire lane use, and depicting the proposed placement of tables, chairs, barricades, umbrellas, trash receptacles, and other furnishings on the sidewalk or pedestrian way.

(f) Proof of an insurance policy, issued by an insurance company licensed to do business in the State of North Carolina, protecting the permittee and indemnifying the city from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the permit. Such insurance shall name the city as additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days' advance written notice to the city. Such insurance shall afford minimum limits of \$1,000,000 of general liability coverage annually.

(g) A copy of all the permits and licenses issued by the county, state or the city, including health and ABC permits and business licenses, necessary for the operation of the business, or a copy of the application for the permit if no permit has been issued. This requirement includes any permits or certificates issued by the city or other governmental authority, for exterior alterations or improvements to the restaurant, eating establishment, or wine shop.

(h) A sworn statement describing any violation by the operator of any laws, regulations, or ordinances relating to the possession, sale, consumption, or transportation of intoxicating beverages or controlled substances during the five years immediately preceding the date of the permit application.

(i) Such additional information as may be requested by the City Manager or his or her designee to determine compliance with this section.

(j) An annual fee in the amount of \$25 to cover the cost of processing and investigating the application and issuing the permit.

(4) *Issuance of permit.* No permit for the operation of a sidewalk café dining area may be issued unless the application is complete and the following requirements are met:

(a) Sidewalk dining areas must be associated with one of the following business types:

1. An **OPERATING RESTAURANT**, defined as an establishment substantially engaged in the business of preparing and serving meals. A restaurant's gross receipts from food and nonalcoholic beverages shall be not less than 30% of the total gross receipts from food, nonalcoholic beverages, and alcoholic beverages. A restaurant shall also have a kitchen and an inside dining area with seating for at least 36 people. A restaurant may sell for on-premises consumption those spirituous liquors, wines, malt beverages, and any other alcoholic beverage as permitted by the N.C. Alcohol Beverage Commission. Sidewalk dining associated with a restaurant shall fall such that it is under the same management and shares the same food preparation facilities, rest room facilities and other customer convenience facilities as the restaurant. The sidewalk café dining area must be operated under the same name as the restaurant and may not be open or operated at any time when the restaurant is not open for business.

2. An **OPERATING WINE SHOP**, defined as an establishment authorized to conduct the retail sale of malt beverages, unfortified wine, and fortified wine in the manufacturer's original container for consumption off the premises, conduct wine tasting on the premises that are conducted and supervised by the permittee in accordance with G.S. § 18B-1001, Subdivision (15), and ship malt beverages, unfortified wine, and fortified wine in closed containers to individual purchasers inside and outside the state. The primary purpose of a wine shop is selling malt beverages and wine for consumption off the premises and regularly and customarily educating consumers through tasting, classes, and seminars about the selection, serving, and storing of wine pursuant to the wine shop permit requirements of the N.C. Alcohol Beverage Commission. Sidewalk dining associated with a wine shop shall fall under the same management and shares the same food preparation facilities, rest room facilities and other customer convenience facilities as the wine shop. The sidewalk dining area must be operated under the same name as the wine shop and may not be open or operated at any

time when the wine shop is not open for business. In addition, the wine shop must meet the following criteria:

3. An **OPERATING EATING ESTABLISHMENT**, defined as an establishment engaged in the business of regularly and customarily selling food, primarily to be eaten on the premises. Eating establishments shall include businesses that are referred to as restaurants, cafeterias, or cafes, but do not qualify under the definition of a restaurant as provided above. Eating establishments shall have an inside dining area and seating but are not required to contain a kitchen or a minimum number of seats, and an eating establishment may sell for on-premises consumption those wines and malt beverages or any other alcoholic beverage as permitted by the N.C. Alcohol Beverage Commission. Sidewalk dining areas associated with an eating establishment shall fall under the same management and share the same food preparation facilities, rest room facilities and other customer convenience facilities. The sidewalk dining area must be operated under the same name as the eating establishment and may not be open or operated at any time when the eating establishment is not open for business.

A. Sidewalk dining areas must be, clearly incidental to the associated business. The seating capacity of the sidewalk dining area may not be more than 50% of the interior seating capacity of the associated business.

B. The proposed hours of operation shall be no earlier than 8:00 a.m. and no later than 11:00 p.m. daily.

C. The placement of tables, chairs and other furnishings as shown in the drawing submitted with the site plan must be done in such a manner that is in accordance with the Americans with Disabilities Act (ADA) to ensure unobstructed space remains on the sidewalk or pedestrian way for the passage of pedestrians. No fire exits or lanes may be blocked and such must remain clear at all times.

D. The business seeking to operate sidewalk dining must front on and open onto the sidewalk or pedestrian way proposed for the sidewalk dining. The placement of tables, chairs, and other furnishings may not extend beyond the sidewalk or pedestrian way frontage of the associated business, with the following exception. Tables, chairs and other furnishings may extend up to 12 feet on the adjacent property frontage in either or both directions with the written permission (provided at the time of application) of the occupant of the adjacent property (see graphic below).

E. The tables, chairs and other furnishings used in the sidewalk café dining area shall not be anchored and shall be of a type of street furniture that is easily movable.

F. Except as elsewhere permitted by the code, the operation or furnishing of the sidewalk dining area shall involve no permanent alteration to or encroachment upon any street, sidewalk, or pedestrian way or to the exterior of the associated restaurant, wine shop, or eating establishment.

G. Trash and debris. Each operator conducting sidewalk dining shall provide adequate trash receptacles for its patrons. At the end of each business day and during operating hours, the operator shall remove all trash and debris of any sort from the area, and in addition shall remove from the sidewalk alongside and abutting properties any trash or debris originating as a result of the operation of the sidewalk dining area.

H. Alcoholic beverages. Notwithstanding any other provisions of this code, alcoholic beverages may be served in approved sidewalk café dining areas provided that the following requirements are met:

i. Sidewalk dining shall be part of a restaurant, wine shop, or eating establishment as defined above and shall otherwise be authorized, permitted, or licensed under the state law and city code to serve and sell alcoholic beverages for on-premises consumption.

ii. The portion of the sidewalk dining area where alcohol is or may be served shall be enclosed by clearly visible barricades and shall not have more than two points of ingress and egress.

iii. The sidewalk dining area must be included as part of the premises for which an ABC permit is issued pursuant to G.S. § 18B-1001, or other state law, for the purpose of applying and enforcing state laws regarding the sale or consumption of alcoholic beverages.

iv. Signs shall be posted, visible at all exit points from the sidewalk café dining area, that it is unlawful to remove alcoholic beverages from the premises.

v. The business operator shall not have violated any law, regulation, or ordinance relating to the possession, sale, transportation or consumption of intoxicating beverages or controlled substances for the three years preceding the commencement of the sale of alcoholic beverages at the sidewalk café dining area.

vi. Outdoor bars or outdoor alcoholic beverage preparation is prohibited within the sidewalk dining area.

I. Denial. A permit may be denied if it is found that the granting of the permit would not be in the public interest. Any applicant denied a permit to operate a sidewalk dining area shall receive a written statement outlining the grounds on which the denial is based. The applicant may appeal the denial of the permit to the City Council within 15 working days after the date of the written denial and the City Council may take such action as it shall find necessary. The findings and determination of the City Council shall be final.

J. Terms and transfer. Permits for a sidewalk dining area issued in accordance with the provisions of this section shall:

i. Be issued for the period beginning July 1 or thereafter and expiring June 30 of each year. If a permittee discontinues the business operation or sidewalk café dining area, no refund of the permit fee shall be made.

ii. Not be transferable or assignable.

K. Permit revocation. The City Manager or his or her authorized representative may revoke a permit issued pursuant to this section if he or she finds that the business operator has:

i. Deliberately misrepresented or provide false information in the permit application.

ii. Violated any provision of the County Health Department regulations or of this section.

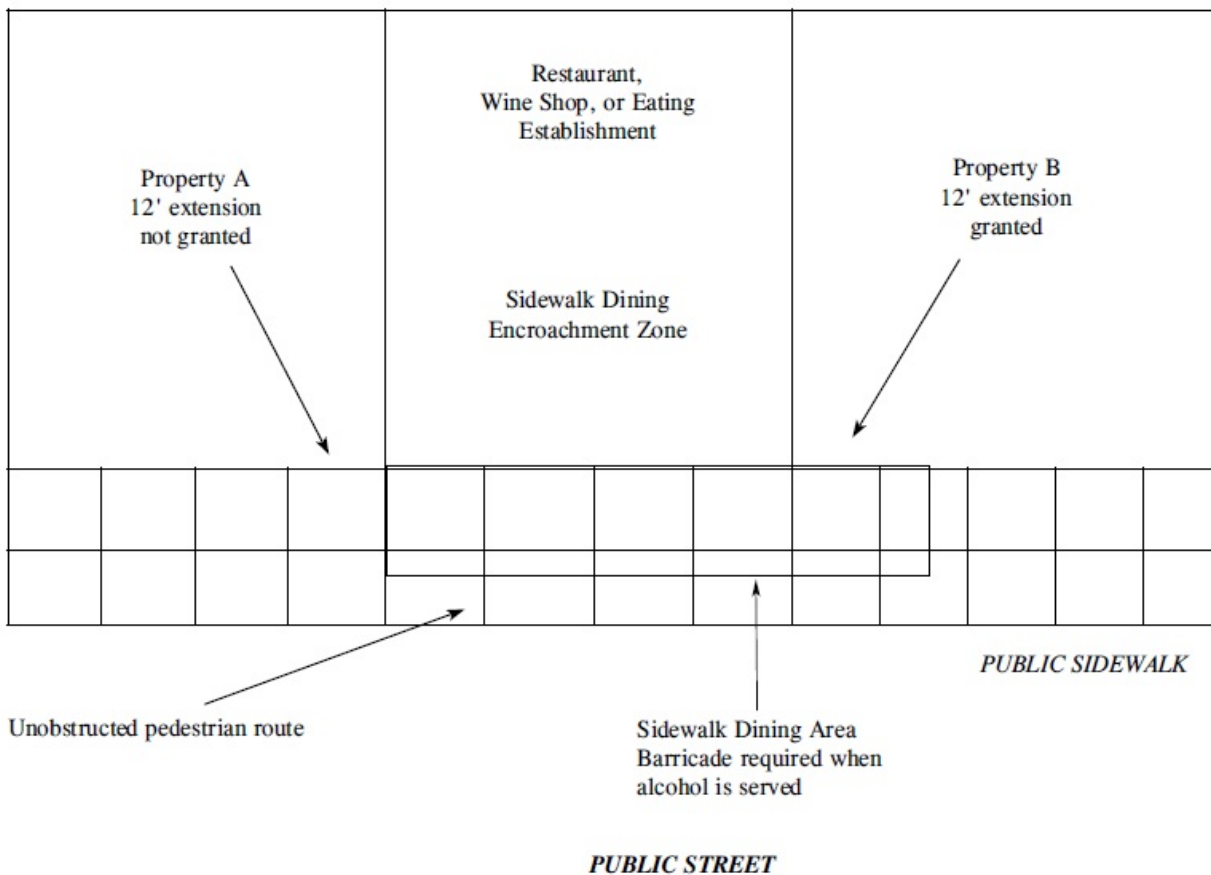
iii. Violated any law, regulation, or ordinance regarding the possession, sale, transportation or consumption of intoxicating beverages or controlled substances.

iv. Operated the sidewalk dining area in such a manner as to create a public nuisance or to constitute a hazard to the public health, safety, or welfare, specifically including failure to keep the area clean and free of refuse.

v. Failed to maintain any health, business or other permit or license required by law for the operation of a restaurant, wine shop, or eating establishment business.

vi. Fails to consistently maintain the sidewalk dining area in a neat and trash free manner.

vii. Operates the business or sidewalk dining area in violation of any city, county or state law, ordinance, or regulation.



(F) Except as otherwise provided in this section, pertaining to sidewalk furniture:

(1) *General.* Notwithstanding any other provisions of this code to the contrary, sidewalk furniture not placed by the city shall be permitted in the central business district as indicated on the official zoning map of the city and shall be subject to such regulations as are set forth in this chapter.

(2) *Permit required.* No person, firm or corporation shall erect, place or maintain any benches, chairs, planters or other street furniture on any publicly owned rights-of-way without first having obtained a permit from the city. The City Manager or his or her authorized representative may issue a permit for the placement of benches, chairs, planters or other street furniture at specified locations along publicly owned rights-of-way on a sidewalk, sidewalk area, shoulder or plaza provided the following criteria are met:

(a) The use of benches, chairs, planters and/or street furniture should be designed to enhance and blend in with the surroundings. Street furniture shall not be permitted if it endangers the public health or safety or prohibits pedestrian passage or entrance to any establishment.

(b) The placement of street furniture must not extend more than six feet from the building wall, with benches and planters placed flush against building fronts. The placement of the furniture may not extend beyond the sidewalk or

pedestrian way frontage of the associated businesses.

(c) No street furniture may be placed in any location whereby the clear space for the passageway of pedestrians is not in accordance with the Americans with Disabilities Act (ADA).

(d) All street furniture unless otherwise specified in sidewalk dining must be removed from the public right-of-way at the end of the business day.

(e) The owner is required to maintain the street furniture and the area surrounding its placement in a clean and safe condition.

(f) Street furniture shall contain no advertising except the business name and/or the name of a product or products sold in the business.

(3) *Application.* Application for a permit shall be made on forms provided by the City Manager or his or her designee. The application shall be accompanied by information showing the type of furniture to be placed and a site plan or photograph showing its proposed location.

(4) *Separate from sidewalk dining.* Permits issued for street furniture pursuant to this section shall be considered separate from permits and requirements for other right-of-way usage permits such as sidewalk dining and sandwich boards. The City Manager or his or her authorized representative, in his or her discretion, may limit the number of permits available at each business location.

(5) *Permit revocation.* Permits issued pursuant to this section may be revoked due to public need of the right-of-way, non-compliance with the provisions of this section, or any other reason deemed sufficient to the city. If upon revocation, the street furniture is not removed upon ten days' notice, the city shall have the right to remove such street furniture.

(Ord. passed 5-28-2013) Penalty, see § 90.99

§ 90.02 OVERHANGING OR PROTRUDING TREES, FENCES, SIGNS AND THE LIKE.

(A) No person may cause or allow (from property under his or her control) any tree limb, bush, shrub or other growth or any trellis, fence, sign or other obstruction to overhang a public street at a distance of less than 12 feet above the traveled portion of the street or a public sidewalk at a distance of less than 7 feet above the sidewalk.

(B) No person may cause or allow grass, vines, weeds or other vegetation to grow from property under his or her control over, onto or across any public street or sidewalk.

(C) Any violation of division (A) or (B) above is declared to be a public nuisance, and if not corrected by the responsible person within 3 days after being notified of the violation by the Administrator, the town may summarily abate the nuisance.

(D) Signs may be constructed only pursuant to a building permit and must otherwise comply with the provisions of the North Carolina State Building Code.

(1981 Code, § 7-2) Penalty, see § 90.99

§ 90.03 DRAINAGE RELATED INTERFERENCE WITH SIDEWALKS.

(A) No person may cause or permit gutters, ditches, ducts or drain pipes to be constructed or placed on property under his or her control in a manner so that the water from the gutters, ditches, ducts or drain pipes empties onto or runs across a public sidewalk.

(B) Subject to the next sentence, all owners of property abutting concrete, brick or other permanently improved public sidewalks shall grade the property or construct a retaining wall in a manner so as to prevent the washing of dirt, grass, gravel or other material upon the town sidewalks.

(C) If the town constructs a sidewalk, it shall be responsible initially for taking the necessary steps to prevent the washing of the materials upon the sidewalk.

(1981 Code, § 7-3) Penalty, see § 90.99

§ 90.04 WARNINGS REQUIRED FOR OBSTRUCTIONS.

(A) All persons engaged in doing work that creates any dangerous condition or obstruction in the public right-of-way of any street or sidewalk shall take whatever action is necessary, including the placement of barricades and warning signs or devices, to warn the traveling public of the condition or obstruction.

(B) No person may remove, destroy, injure or tamper with any barricade, sign, lantern, torch or other device placed in any street or sidewalk to warn or give notice to the traveling public or any dangerous condition or obstruction.

(1981 Code, § 7-4) Penalty, see § 90.99

§ 90.05 DEPOSITING INJURIOUS MATERIALS ON STREET.

(A) No person may throw or deposit upon any street or public right-of-way any glass bottle, nails, tacks, wire, paper containers, cans or any other substance likely to injure any person, animal or vehicle.

(B) Any person who deliberately or inadvertently causes or allows any of the materials specified in division (A) above to be deposited on any public street or right-of-way shall immediately remove the materials or cause them to be removed.

(1981 Code, § 7-5) Penalty, see § 90.99

§ 90.06 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 similar obstruction from the sidewalk at the earliest possible time and as soon as weather permits.

(1981 Code, § 7-6) Penalty, see § 90.99

§ 90.07 DRAINAGE.

(A) General responsibilities.

(1) The town will be responsible for providing necessary drainage facilities on town-maintained streets within dedicated rights-of-way to accommodate existing storm flow or increased flow from development, and for maintaining drainage facilities on all town-maintained streets within dedicated rights-of-way.

(2) Inasmuch as civil law provides that lower lands are subservient to upper lands for natural drainage flowing to it, the town cannot be responsible for problems on private property that result from acceleration of flow from development by the town or others that becomes the natural burden of lower lands, or other drainage problems on private property.

(B) Specific policies.

(1) The town will provide and pay for all work that is necessary in order to provide adequate drainage of town streets.

(2) The town will install pipe for driveway crossings, provided the property owner furnishes the size and quantity of pipe necessary and approved by the Public Works Director.

(3) The town will not enter upon private property to pipe drainage ditches, maintain drainage ditches or to correct drainage problems other than what is necessary to provide adequate drainage for town streets.

(4) The town will not become involved in disputes between adjoining property owners involving drainage problems.

(5) Improvements to drainage facilities along town streets requested by a property owner that are not necessary for providing adequate street drainage shall be at the expense of the property owner.

(6) These improvements would consist of piping ditches along town streets, providing rip-rap slope protection, providing concrete ditch channels or increasing the size of an existing culvert for the benefit of the property owner.

(7) Improvements or alterations to drainage facilities on city streets must be approved by the Public Works Director.

(Ord. passed 2-2-2004)

§ 90.08 DRIVEWAYS.

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

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

(C) The Administrator shall review the driveway construction and design plans and shall issue the permit unless he or she finds the driveway, if constructed as proposed, will substantially interfere with or pose a danger to:

(1) Persons using the street or sidewalk intersected by the driveway; or

(2) Public facilities (including utility poles, traffic signal standards and the like) or will fail to comply with any of the provisions of this section.

(D) No driveway may be constructed closer than 3 feet to a fire hydrant or catch basin or closer than 30 feet to the right-of-way line of a street that intersects with the street the driveway opens onto.

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

(F) This section shall not apply to driveways that open into state-maintained streets to the extent that the state has approved the driveway.

(G) Nor shall a person be required to obtain a permit under this section to the extent that the driveway is being constructed in accordance with plans approved pursuant to a review process authorized by a zoning or subdivision ordinance.

(1981 Code, § 7-11) Penalty, see § 90.99

§ 90.09 EXCAVATIONS.

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

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

(C) Before granting a permit pursuant to this section, the Administrator shall determine that the applicant has made arrangements to comply with division (B) above, and if the town is to do the necessary repair work, the permit shall not be issued until the applicant makes a deposit equal to the estimated costs of repair.

(D) This section shall not apply to any utility to the extent that the same subject matter is covered in a franchise ordinance applicable to that utility.

(E) Nor shall this section apply to any excavation made in a state-maintained street to the extent that the state has given its permission for an excavation to be made, except that the person making the excavation shall still be responsible for notifying the Administrator of the intended excavation 48 hours before the work begins.

(1981 Code, § 7-12) Penalty, see § 90.99

§ 90.10 TOWN INDEMNIFIED.

Any person obtaining a permit authorized by §§90.07 and 90.08 agrees as a condition of the permit to indemnify the town for and hold the town harmless from any expense (including but not limited to attorneys' fees, litigation costs and judgments) incurred as a result of claims made for damages arising out of operations conducted by the permit recipient pursuant to the permit.

(1981 Code, § 7-13) Penalty, see § 90.99

STREET EVENTS AND MISCELLANEOUS REGULATIONS

§ 90.25 ACTIVITIES COVERED.

(A) This subchapter applies to all street fairs, festivals, carnivals, parades, marches, rallies, demonstrations and other activities or public events that require the temporary closing or obstruction of all or a portion of any street or other public right-of-way or that substantially hinders or prevents the normal flow of vehicular or pedestrian traffic along any street or other public right-of-way.

(B) Any like activity covered by this subchapter shall hereafter be referred to as "the event."

(C) Funeral processions.

(1981 Code, § 7-16) (Ord. passed 10-22-2018)

§ 90.26 PERMIT REQUIRED.

No person may run, operate or sponsor any event in any public street or right-of-way without a permit obtained from the Council in accordance with this subchapter.

(1981 Code, § 7-17) Penalty, see § 90.99

§ 90.27 PERMIT APPLICATION.

Applications for the permit authorized by this subchapter shall be submitted on a form provided by the Administrator and shall contain the following information:

(A) Name, address and telephone number of the person, organization or entity seeking to conduct or sponsor the event;

(B) Name, address and telephone number of the individual in charge of the event;

(C) The proposed date and time period when the event will be conducted;

(D) A sketch-map showing:

(1) The area where the event is to take place;

(2) Any streets to be closed or obstructed;

(3) Any barriers or traffic control devices that will be erected;

(4) The location of any concession stand, booth or other temporary structures or facilities; and

(5) The location of proposed fences, stands, platforms, benches or bleachers.

(E) The approximate number of people expected to attend the event;

(F) When applicable, a request that the town provide specified services and/or that the town close identified streets or

portions of streets for a particular period; and

(G) Any other information determined by the Administrator to be necessary to insure compliance with this subchapter.

(1981 Code, § 7-18) (Am. Ord. passed 10-22-2018)

§ 90.28 STAFF REVIEW.

(A) Upon receipt of the permit application, the Administrator shall circulate it to the Police Chief, the Fire Chief, the Public Works Director and other appropriate persons for their comment.

(B) The Administrator may arrange to have a conference on the application with the applicant and one or more department heads.

(C) Based on the outcome of the conference, the Administrator shall prepare a recommendation to Council regarding the permit application.

(1981 Code, § 7-20) (Ord. passed 10-22-2018)

§ 90.29 FEES; COSTS INCURRED BY TOWN.

(A) In addition, if the town is requested to provide extraordinary services or equipment or the town administration otherwise determines that extraordinary services or equipment should be provided for reasons related to public health or safety, the Council shall take whatever action is necessary under the Local Government Budget and Fiscal Control Act to make available the necessary funds for the provision of the services or equipment.

(B) The Council may require the applicant to pay to the town (before the permit is issued) a fee sufficient to reimburse the town for the costs of any extraordinary services or equipment provided unless the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.

(1981 Code, § 7-22) (Am. Ord. passed 10-22-2018)

§ 90.30 STANDARDS FOR ISSUANCE OF PERMIT.

(A) The Council shall issue the permit authorizing the event unless it finds that:

(1) Conduct of the event will require the assignment of so many police officers that the remainder of the town cannot adequately be protected;

(2) The event will interfere with the movement of emergency vehicles to such an extent that adequate police, fire or other emergency services cannot be provided throughout the town;

(3) The applicant has failed to obtain any necessary permits or licenses, including any required building permit, or the applicant is otherwise in violation of any town ordinance;

(4) The event will work a severe hardship on persons occupying property adjacent to the site, location or route of the event as a result of the denial of access to property or for other substantial reasons;

(5) The event, if held at the time or at the location or along the route proposed, will cause an unreasonable and unwarranted disruption to vehicular or pedestrian traffic; or

(6) The applicant has failed to comply with any of the provisions of this subchapter, including the payment of any fees required.

(B) If a permit is issued in accordance with division (A) above, the Council may attach to it any reasonable conditions.

(C) If the Council finds that it cannot issue the permit for reasons specified in division (A) above, it may request the applicant to modify its application to remove any objections to the issuance of the permit, and the applicant may do so without further notice or hearing.

(D) Any event conducted pursuant to a permit issued under this section shall be conducted strictly in accordance with the terms of the permit, including any conditions attached thereto.

(1981 Code, § 7-23) (Ord. passed 10-22-2018) Penalty, see § 90.99

§ 90.31 STREET CLOSINGS.

(A) (1) If the Council finds that the permit should be issued and that, to conduct the event, it is necessary to close a street or to reroute traffic, it may pass a resolution authorizing this to be done.

(2) No resolution shall be passed affecting streets that are part of the state street system without the approval of the State Department of Transportation.

(B) The resolution shall identify the street or portion thereof to be affected and shall indicate the date and time when the street or portion thereof is to be closed or traffic thereon is to be limited in some way. The resolution shall also direct the Manager to have appropriate traffic control devices installed to give notice of the temporary traffic controls.

(C) No person may operate any vehicle contrary to the traffic control devices installed in accordance with division (B) above.

(D) The Administrator shall, by any adequate means, notify persons occupying property abutting the street where the event is to take place of the contents of any resolution passed in accordance with this section.

(1981 Code, § 7-24) Penalty, see § 90.99

§ 90.32 SPONSOR RESPONSIBLE FOR CLEANUP.

(A) The sponsor of the event shall be responsible for cleaning up any litter caused by the event, removing all temporary obstructions, and in general returning the area where the event takes place to the condition that existed prior to the event.

(B) The Council may require the sponsor to post a bond or other sufficient security to guarantee compliance with this section.

(1981 Code, § 7-25) Penalty, see § 90.99

§ 90.33 DAMAGING STREET SURFACES, SIGNS AND OTHER FACILITIES.

(A) No person may intentionally mutilate, deface, remove, damage or in any manner interfere with any of the street name signs, traffic control signs and devices and other signs erected by any public body.

(B) No person may drag, run or cause to be dragged or run upon any public street any harrow or other implement, machine or tool likely to injure or cut the surface of a street.

(C) No person may intentionally damage, injure, obstruct or otherwise interfere with any street, sidewalk, bridge, culvert, ditch or drain owned or maintained by the town.

(1981 Code, § 7-31) Penalty, see § 90.99

§ 90.34 HOUSE AND BUILDING NUMBERS.

(A) The owner of every house and every principal building shall display or cause to be displayed on the front thereof, or on the grounds in a position easily observed from the street, the number assigned to his or her house or building by the Administrator.

(B) No person may display or cause to be displayed on any house or building any number other than the number assigned by the Administrator.

(C) No person may remove, obliterate or destroy any number displayed in accordance with division (A) above.

(1981 Code, § 7-32) Penalty, see § 90.99

§ 90.35 ADMINISTRATOR.

As used in this chapter, the term **ADMINISTRATOR** refers to the Public Works Director or any other person designated by the Manager to perform the responsibilities assigned to the Administrator by this chapter.

(1981 Code, § 7-33)

§ 90.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) A violation of any of the following sections shall constitute a misdemeanor, punishable as provided in G.S. § 14-4: §§ 90.01 through 90.10, 90.27, 90.30(D), 90.31(C), 90.32, 90.33, and 90.34.

(C) (1) A violation of any of the sections listed in division (B) above shall also subject the offender to a civil penalty of \$25.

(2) If a person fails to pay this penalty within 10 days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of a debt.

(D) The town may seek to enforce this chapter through any appropriate equitable action.

(E) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.

(F) The town may seek to enforce this chapter by using any one or any combination of the foregoing remedies.

(1981 Code, § 7-34) (Am. Ord. passed 11-22-2021)