

Chapter 19

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

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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.

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)

***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. 19-104. Bicycle and motorized vehicles on sidewalks prohibited.

(a) It shall be unlawful for any person to ride a bicycle on the sidewalks within the downtown business district. Prohibited area includes on North side of East Main and West Main Streets from the Northwestern Bank to the corner west of the town hall; on the South side of East Main Street and West Main Street from the Town and Country building to the corner west of the fire department.

(b) No person shall operate any motorized vehicle upon any sidewalks of the town.
(Code 1976, § 5.39)

Cross reference—Traffic and motor vehicles, Ch. 20.

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)

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 first had and obtained.

(Code 1976, § 5.42)

Cross reference—Advertising, § 15-102.

Secs. 19-107—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 in the town, without first securing a permit therefor in writing from the town clerk.

(Code 1976, § 5.1)

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 permit from the town.

(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 manager and the deposit of a good and sufficient bond in the sum of five hundred dollars (\$500.00) 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 house, building or other structure upon the streets of the town without first obtaining from the town a permit 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.

(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.

(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 permission, 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 sidewalk.

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.

(Code 1976, § 5.27)

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

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

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

awnings supported upon metallic frames firmly suspended from the building, and at least seven (7) feet above the level of the sidewalk.

(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 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;

***Cross reference**—Police, Ch. 18.

- (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;
- (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.

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.

(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 traffic.

- (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 any one (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 curblin 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.

(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)

Secs. 19-329—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) At each railroad grade crossing designated in this subsection, the railroad operating trains or locomotives or rolling stock of any kind over such crossing shall maintain at all times suitable crossing gates, which shall be closed when any train, locomotive or other

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

State law reference—Railroad crossings, G.S. § 160A-298.

rolling stock is passing over, or approaching near to the crossing for the purpose of passing over the same. The grade crossings at which crossing gates shall be so maintained are located as provided in Appendix A, section 101 of this Code, which is hereby made a part of this section. In lieu of the foregoing, the railroad may install and maintain highway grade crossing automatic flashing light signals with or without short arm gates.

(d) At each railroad grade crossing designated in this subsection, 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. The grade crossings to which this subsection applies are provided in Appendix A, section 102, of this Code, which is hereby made a part of this section.

(e) At each railroad grade crossing designated in this subsection, the railroad operating trains, locomotives or other rolling stock of any kind over the same may install and maintain highway grade crossing automatic flashing light signals, and such railroad operating trains, locomotives or rolling stock of any kind over such crossing 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 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 grade crossings to which this section applies are provided in Appendix A, section 103, of this Code, which is hereby made a part of this section.

(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.S. § 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 projected where appropriate.

(Ord. No. 9-84, § I(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, § I(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 fifty-dollar filing fee and shall contain a commitment from one (1) or more property owners to pay a fee of fifty dollars (\$50.00) for each sign which would have to be changed if the street name is altered. Council may make any decision to change a street name contingent upon receipt of the required fees within a designated time period.

(b) A petition or other proposal to change a street name shall be submitted to and considered by the planning board which shall give notice to the owners of abutting property of the request for change and of a public hearing which the planning board shall conduct on the issue. Based upon the criteria to be considered in naming a new street, 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.

(Ord. No. 9-84, § I(5-402), 10-8-84)

Secs. 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 or through parallel with 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 ditches running parallel with town roadways. These roadways must be in possession of the Town of Maiden for this to apply.
- (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 and 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 to keep the 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. Of the ditch line in certain cases 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. This decision will be at the discretion of the public works director, or his designee, based upon accessibility of the ditch line.

- (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 cylinder pipe used to carry stormwater in a direction that is needed to get water off and away from the roadway.

- (1) In any case, drain tile shall be a minimum of fifteen (15) inch diameter reinforced concrete tile or sixteen (16) gauge corrugated metal pipe. At no time shall plastic piping be used as drain tile. In some cases, a larger diameter sized piped may be required depending upon drainage conditions as determined by the public works director, or his 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.

If the ditch, driveway or driveway extension is parallel with the roadway or connects with the roadway directly, the town will install such pipe as needed if the property owner provides the pipe, accepting all costs for the pipe. The town shall not provide monies for pipe requested by the property owner. 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 cases that apply. In any case the town will not provide materials that were not directly removed by the town. This includes extra asphalt, concrete, and gravel. This must be done solely by the property owner.

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.

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 guidelines of this policy.
- (4) If at any time, a property owner constructs a pipeline in a ditch that turns away from the roadway, and the property owner has entered into an agreement with the Town of Maiden to maintain the ditch line; then the agreement shall become null and void. The maintenance of the pipe line shall then become the responsibility of the property owner relieving the town of any further obligation.
- (6) 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 storm drain water.

- (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)