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ARTICLE 1**Damaging Streets and Sidewalks****Section 5.1 Permit to dig in streets.**

It shall be unlawful for any person, firm or corporation 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.

Section 5.2 Sidewalk construction.

No sidewalk of any description shall be built by any individual, firm or corporation of any brick, wood, or other material without a written permit from the Town.

Section 5.3 Street repair.

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

Section 5.4 Excavations; leaving unprotected.

It shall be unlawful for any person, firm or corporation making any excavation for any purpose whatsoever in any of the streets or sidewalks to fail to securely cover such excavations with plank or place ropes around the same three feet from the ground or 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.

Section 5.5 Streets not to be damaged.

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

(b) It shall be unlawful to load or unload, or have any cleat track machine upon any street in Hudson. Owners will be liable for any damage caused to streets by said machines. (Ord. of 5/5/64)

Section 5.6 House moving.

No person shall move any house or building upon or across the public streets or sidewalks without the written consent of the Board and the proof of sufficient insurance as required by State law or regulations to cover damage done to such street or sidewalk or to any property of any person.

Section 5.7 Damage to bridges and culverts.

No person shall injure or misplace any part of any bridge, culvert, ditch and 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.

Section 5.8 Damage to lights and signs.

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

ARTICLE 2**Obstructing Streets and Sidewalks.****Section 5.9 Assembly on sidewalk.**

All crowds or assemblages of persons that shall congregate on the streets or sidewalks of this Town, thereby obstructing the street to the orderly flow of pedestrians or vehicular traffic 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.

Section 5.10 Parades and demonstrations; definitions.

For the purpose of Sections 5.10 through 5.17, the following terms shall have the definitions ascribed:

(1) "Block" is that portion of any street lying between its intersections with other streets.

(2) "Parade" is any assemblage of two or more persons participating in or operating any vehicle in any march, ceremony, show, exhibition or procession of any kind in or upon the public streets, sidewalks, alleys, parks, or other public grounds or places.

(3) "Person" is any person, firm, corporation, partnership, association, or other organization, whether formal or informal.

(4) "Picket line" is any two or more persons formed together for the purpose of making known any position or promotion of such persons, or on behalf of any organization or class of persons.

(5) "Group demonstration" is any assembly together or concert of action between or among two or more persons for the purpose of protesting any matter or of making known any position or promotion of such persons, or of or on behalf of any organization or class of persons, or for the purpose of attracting attention of such assembly.

Section 5.11 Same; 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 Article.

Section 5.12 Same; requirements and issuance of permits.

The Chief of Police or his designee shall issue

permits as required in the preceding section, 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 sun-up or terminate after sun-down.

(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 years will be permitted to participate.

(5) require that the application for a permit shall specify and the permit shall designate the person or persons 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.

Section 5.13 Same; 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 any firearm, or any weapon or article, including but not limited to blackjacks, nightsticks, or flashlights which by their use would constitute a deadly weapon;

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

Section 5.14 Same; 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 5.13 of this Article;

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

Section 5.15 Same; interference prohibited.

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

Section 5.16 Same; 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 pickets promoting the same objective shall be permitted to use either of the two sidewalks within a single block at any one time;

(3) Pickets may carry written or printed placards or signs not exceeding two feet in width and two feet in length promoting the objective for which the picketing is done; provided, the words used are not derogatory, defamatory or inflammatory in nature;

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

(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 pickets thereon, the Chief of Police shall allot time to each group of pickets for the use of such sidewalk on an equitable basis.

Section 5.17 Same; exceptions.

Sections 5.10 through 5.16 shall not apply to:

(1) Funeral processions;

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

Section 5.18 Display of goods prohibited.

No person shall place for display or sale any goods, wares or merchandise of any kind upon any of the sidewalks of said Town, which would obstruct free passage of pedestrians.

Section 5.19 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 alley ways, streets or other routes, of the Town, nor shall any person place on or in any of the streets, sidewalks or alley ways 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.

Section 5.20 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.

Section 5.21 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, and at least seven feet above the level of the sidewalk.

Section 5.22 Culvert construction.

No person shall install a culvert less than twelve inches in diameter in any driveway leading off a Town street or avenue in Hudson. (Ord. of 8/6/63)

Section 5.23 Railroad crossings; regulation.

(a) The Board 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 hereinafter 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 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 I, 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 hereinafter 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 I, Section 102, of this Code, which is hereby made a part of this section.

(e) At each railroad grade crossing hereinafter 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 said 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 I, Section 103, of this Code, which is hereby made a part of this section.

(f) The Town shall bear ninety percent (90%) of the costs of warning signs, gates, lights, and other safety devices at grade crossings, and the railroad company shall bear ten percent (10%) of the costs. The costs of maintaining warning signs, gates, lights, and other safety devices installed after January 1, 1972 shall be borne equally by the Town and the railroad company. The maintenance shall be performed by the railroad company and the Town shall pay annually to the railroad company fifty percent (50%) of these costs. In maintaining maintenance cost records and determining such costs, the Town and the railroad company shall use the same methods and procedures as are now or may hereafter be used by the State Highway Commission. (See G.S. 160A-298)

Section 5.24 Same; bridges and underpasses.

(a) The Board may require that a grade crossing be eliminated and replaced by a railroad bridge or by a railroad underpass, if the Board 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 percent of the costs and the railroad company shall bear ten 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 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 percent of the costs and the railroad company shall bear ten percent of the costs. (See G. S. 160A-298)

ARTICLE 3

Use and Cleanliness of Streets and Sidewalks

Section 5.25 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.

Section 5.26 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.

Section 5.27 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.

Section 5.28 Playing ball on streets prohibited.

No person shall play ball or bat or catch ball on any of the streets of the Town.

Section 5.29 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.