

AN ORDINANCE AMENDING CHAPTER 7, ARTICLE III OF THE CARRBORO TOWN CODE TO ALIGN WITH THE TEMPORARY STREET CLOSING POLICY

THE CARRBORO TOWN COUNCIL ORDAINS:

Section 1. Sections 7-18, 7-19, 7-20, 7-21, 7-22, 7-23, 7-24, 7-25, and 7-26 of the Carrboro Town Code are amended to read:

Section 7-18 Permit Application

Applications for the permit authorized by this article shall be submitted on a form provided by the administrator. All application procedures, deadlines, and requirements shall be governed by the Town's Temporary Street Closing Policy.

For public events not conducted for the exercise of freedoms protected under the First Amendment, applications must be submitted in accordance with the deadlines established in the Temporary Street Closing Policy. For public events conducted for the exercise of freedoms protected under the First Amendment or under Section 7-16(2), applications must be submitted at least 36 hours before the event is expected to begin, or as otherwise provided in the Temporary Street Closing Policy.

Section 7-19 Staff Review

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, such as the Special Events Committee for their comment. The administrator may arrange to have a conference on the application with the applicant and one or more department heads.

Section 7-20 Insurance

As a condition of permit issuance, the applicant is required to obtain a liability insurance policy appropriate for the nature and scope of the public event. The policy must be issued by an insurance company authorized to do business in this state, must name the Town as an additional insured, and must provide coverage for the entire event area.

All insurance requirements shall be administered in accordance with the Town's Temporary Street Closing Policy.

Section 7-21 Fees; Costs Incurred by Town

- (a) A basic minimum fee sufficient to cover the cost of the permit shall be paid by the applicant.
- (b) In addition, if the Town is requested to provide extra-ordinary 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 Town 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 such services or equipment.
- (c) The event organizer shall reimburse the Town for the costs of any extraordinary services or equipment provided for the public event, as determined in the Town's Temporary Street Closing Policy.

Section 7-22 Standards for Issuance of Permit

- (a) Subject to subsection (e) of this section, the administrator shall issue the permit authorizing the public event unless it finds that:
 - (1) Conduct of the public event will require the assignment of so many police officers that the remainder of the Town cannot adequately be protected; or
 - (2) The public 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; or
 - (3) The applicant has failed to obtain any necessary permits or licenses, including any required building permit or privilege license, or the applicant is otherwise in violation of any Town ordinance; or
 - (4) The public event will work a severe hardship on persons occupying property adjacent to the site, location, or route of the public event as a result of the denial of access to property or for other substantial reasons; or
 - (5) The public event, if held at the time or at the location or along the proposed route, 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 article, including the payment of any fees required.

(b) If a permit is issued in accordance with subsection (a), the administrator may attach to it any reasonable conditions, including, without limitation, alternative time, place, and manner restrictions for the public event.

(c) If the administrator finds that the permit cannot be issued for reasons specified in subsection (a), the administrator may request the applicant to modify its application to remove any objections to the issuance of the permit.

(d) Any public 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.

(e) The administrator may issue a permit under this article for a road race public event only if such event will benefit a non-profit organization that is based in or provides services in Orange County.

Section 7-23 Street Closings

(a) If the administrator finds that the permit should be issued and that, to conduct the event, it is necessary to close a street or to reroute traffic, the applicant must obtain a Street Closing Permit in accordance with the Town's Temporary Street Closing Policy. No street that is part of the State-maintained system may be closed without prior approval of the North Carolina Department of Transportation.

(b) The Street Closing Permit 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 administrator shall ensure that appropriate traffic control devices are installed to provide notice of the temporary traffic controls.

(c) No person may operate any vehicle contrary to the traffic control devices installed in accordance with subsection (b).

(d) The event organizer shall notify persons occupying property abutting the affected street of the details of the Street Closing Permit including location, timing, and nature of closure in accordance with the Town's Temporary Street Closing Policy.

Section 7-24 Sponsor Responsible for Cleanup

The sponsor of the public 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. If the Town must perform additional cleaning, the organizer will be charged the full cost of staff time and materials. The administrator may require the sponsor to post a bond or other sufficient security to guarantee compliance with this section.

Sections 7-25 Certain Payment Exemptions for First Amendment Public Events

Persons engaged in public events conducted for the exercise of freedoms protected under the First Amendment are not required to pay for any insurance, fees, costs, or bond as otherwise may be required under Sections 7-21, 7-22, and 7-24.

Section 7-26 Appeals

The decision of the administrator is subject to review in the Superior Court of Orange County by proceedings in the nature of certiorari. Any petition for writ of certiorari shall be filed with the Clerk of Superior Court within 30 days after the applicant has received notice of the decision. Unless good cause exists to contest a petition for writ of certiorari, the Town shall stipulate to certiorari no later than five business days after the petitioner requests such stipulation. The Town shall transmit the record to the court no later than five business days after receiving the order allowing certiorari. Notwithstanding the provisions of any local rule of the reviewing court that allows for a longer time period, the Town shall file its brief within 15 days after it is served with the petitioner's brief. If the petitioner serves their brief by mail, the Town shall add three days to this time limit in accordance with North Carolina General Statute 1A-1, Rule 5. If the local rule is subsequently amended to provide for a shorter time period for the filing of any brief, then the shorter time shall control.

Section 2. All provisions of any Town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.