

CHAPTER 20: TRAFFIC AND MOTOR VEHICLES

Article

- I. IN GENERAL
- II. ADMINISTRATION
- III. ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS
- IV. TRAFFIC-CONTROL DEVICES
- V. SPEED REGULATIONS
- VI. TURNING
- VII. ONE-WAY STREETS AND ALLEYS
- VIII. DRIVING RULES
- IX. PEDESTRIANS
- X. BICYCLES
- XI. PARKING, STOPPING, OR STANDING
- XII. ABANDONED, NUISANCE, AND JUNKED MOTOR VEHICLES
- XIII. GOLF CARTS

Notes

- 1 Cross-reference:
Any ordinance regulating traffic or vehicles at specific locations saved from repeal, § 1-107; taxicabs, §§ 6-201 et seq.; vehicles in the cemetery, § 7-111; Emergency Procedures, Ch. 9; Fire Protection and Prevention, Ch. 10; specific vehicle noises prohibited, § 14-202; use of vehicles restricted in parks, § 16-201; Planning, Zoning, and Subdivision control, Ch. 17; bicycle and motorized vehicles on sidewalks prohibited, § 19-104; damage to traffic lights and signs, § 19-209; railroad crossings, §§ 19-401 et seq.; traffic, App. B.
- Statutory reference:
Motor vehicles, G.S. Ch. 20; motor vehicles and traffic in municipalities, G.S. §§ 160A-300 et seq.

ARTICLE I: IN GENERAL

Section

- 20-101 Definitions
- 20-102 to 20-199 Reserved

§ 20-101 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates, or requires, a different meaning.

ALLEY. A thoroughfare through the middle of a block.

AUTHORIZED EMERGENCY VEHICLE. Vehicles of the Fire Department, police vehicles, and such ambulances and emergency vehicles of municipal departments, or public service corporations, as are designated, or authorized, by the Chief of Police.

BICYCLE. Every device propelled by human power upon which any person may ride, having two tandem wheels, either of which is over 20 inches in diameter.

COMMERCIAL VEHICLE. Every vehicle designed, maintained, or used primarily for the transportation of property.

CROSSWALK. The part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway. A **CROSSWALK** includes any portion of a roadway at an intersection, or elsewhere, distinctly indicated for pedestrian crossing by lines, or other markings, on the surface.

DRIVER. Every person who drives, or is in actual physical control of, a vehicle. This term shall have the same meaning as **OPERATOR**, as used in G.S. § 20-4.01(25).

HIGHWAY, CONTROLLED ACCESS. Every highway, street, or roadway in respect to which owners, or occupants, of abutting property, or lands, and other persons have no legal right of access to, or from, the same, except at such points only, and in such manner, as may be determined by the public authority having jurisdiction over such highway, street, or roadway.

HIGHWAY, THROUGH. Every street or highway, or portion thereof, at the entrances to which vehicular traffic from intersecting streets, or highways, is required by law to stop before entering, or crossing, the same, and when stop signs are erected, as provided in this article.

INTERSECTION. The area embraced within the prolongation of the lateral curblines, or, if none, then the lateral edge of the roadway lines of the two highways which join one another at any angle whether or not one such roadway crosses the other. Where a highway includes two roadways 30 feet, or more, apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate **INTERSECTION**. If such intersecting highway also includes two roadways 30 feet, or more, apart, then every crossing of two roadways of such highways shall be regarded as a separate **INTERSECTION**.

MOTORCYCLE. Every motor vehicle having a saddle for the use of the rider, and designed to travel on not more than three wheels in contact with the ground, including motor scooters and motor-driven bicycles, but excluding tractors, utility vehicles equipped with an additional form of device designed to transport property, three-wheeled vehicles while being used by law enforcement agencies, and mopeds, as defined in G.S. §§ 20-4.01(h) and 105-164.3.

MOTOR VEHICLE. Every vehicle which is self-propelled, and every vehicle designed to run upon the highways, which is pulled by a self-propelled vehicle. This shall not include mopeds, as defined in G.S. § 20-4.01. This definition shall not apply to Article XII, "Abandoned, Nuisance, and Junked Motor Vehicles", of this chapter.

OFFICIAL TRAFFIC-CONTROL DEVICES. All signs, signals, markings, and devices not inconsistent with this chapter placed, or erected, by authority of a public body, or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

PARK WHEN PROHIBITED. The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, loading or unloading.

PEDESTRIAN. Any person afoot.

POLICE OFFICER. Every officer of the municipal police department, or any officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.

PRIVATE ROAD or DRIVEWAY. Every road, or driveway, not open to the use of the public as a matter of right for the purpose of vehicular traffic.

RAILROAD. A carrier of persons, or property, upon cars, other than streetcars, operated upon stationary rails.

RAILROAD TRAIN. A steam engine, electric, or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

RIGHT-OF-WAY. The privilege of the immediate use of the roadway.

ROADWAY. The portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two, or more, separate roadways, the term **ROADWAY**, as used herein, shall refer to any such roadway separately, but not to all such **ROADWAYS** collectively.

ROADWAY, LANED. A roadway which is divided into two, or more, clearly marked lanes for vehicular traffic.

SIDEWALK. The portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

STOP. Complete cessation of movement.

STOP, STOPPING, or STANDING, WHEN PROHIBITED. Any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer or traffic-control sign or signal.

STREET or HIGHWAY. The entire width between the boundary lines of every way publicly maintained roadway when any part thereof is open to the use of the public for purposes of vehicular travel.

STREETCAR. A car, other than a railroad train, for transporting persons or property, and operated upon rails principally within a municipality.

TRAFFIC. Pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances either singly, or together, while using any street for purposes of travel.

TRAFFIC-CONTROL SIGNAL. Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

TRAFFIC DIVISION. The Traffic Division of the Police Department of this town, or in the event a **TRAFFIC DIVISION** is not established, then the term whenever used in this chapter shall be deemed to refer to the Police Department of this town.

VEHICLE. Every device in, upon, or by which any person, or property, is, or may be, transported, or drawn, upon a highway, except devices moved by human power, or used exclusively upon fixed rails or tracks; provided, that for the purposes of this chapter, bicycles shall be deemed **VEHICLES**, and every rider of a bicycle upon a highway shall be subject to the provisions of this chapter applicable to the driver of a **VEHICLE**, except those which by their nature can have no application. This term shall not include a device which is designed for, and intended to be used as, a means of transportation for a person with a mobility impairment, or who uses the device for mobility enhancement, is suitable for use both inside and outside a building, including on sidewalks, and is limited by design to 15 mph when the device is being operated by a person with a mobility impairment, or who uses the device for mobility enhancement. This term shall not include an **ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE**, as defined in G.S. § 20-4.01(7a).

ZONE, CURB LOADING. A space adjacent to a curb reserved for the exclusive use of vehicles during the loading, or unloading, of passengers or materials.

ZONE, FREIGHT CURB LOADING. A space adjacent to a curb for the exclusive use of vehicles during the loading, or unloading, of freight or passengers.

ZONE, PASSENGER CURB LOADING. A place adjacent to a curb reserved for the exclusive use of vehicles during the loading, or unloading, of passengers.

ZONE, SAFETY. The traffic island, or other space, officially set apart within a roadway for the exclusive use of pedestrians, and which is protected, or is so marked or indicated, by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(Code 1976, §§ 7.1-7.6, 7.8-7.14)

Cross-reference:

Definitions and rules of construction generally, § 1-102.

Statutory reference:

Definitions, G.S. § 20-4.01.

§§ 20-102 TO 20-199 RESERVED.

ARTICLE II: ADMINISTRATION

Section

- 20-201 Traffic Division established
- 20-202 Duty of Traffic Division
- 20-203 Records of traffic violations
- 20-204 Traffic Division to investigate accidents
- 20-205 Traffic accident studies
- 20-206 Traffic accident reports
- 20-207 Drivers' files to be maintained
- 20-208 Traffic Division to submit annual traffic-safety report
- 20-209 Traffic Division to designate method of identifying funeral processions
- 20-210 to 20-299 Reserved

§ 20-201 TRAFFIC DIVISION ESTABLISHED.

There is hereby established in the Police Department a Traffic Division to be under the control of a police officer appointed by, and directly responsible to, the Chief of Police.

(Code 1976, § 7.16)

Cross-reference:

Police, Ch. 18.

§ 20-202 DUTY OF TRAFFIC DIVISION.

It shall be the duty of the Traffic Division with such aid as may be rendered by other members of the Police Department to enforce the street traffic regulations, and all of the state vehicle laws applicable to street traffic, to make arrests for traffic violations, to investigate accidents, and to cooperate with the Town Traffic Engineer, and other officers, in the administration of the traffic laws and in developing ways, and means, to improve traffic conditions, and to carry out those duties specially imposed upon the Division by this chapter.

(Code 1976, § 7.17)

§ 20-203 RECORDS OF TRAFFIC VIOLATIONS.

(A) The Police Department, or the Traffic Division thereof, shall keep a record of all violations of the traffic ordinances, or of the state vehicle laws of which any person has been charged. Such record shall be so maintained as to show all types of violations, and the total of each. The record shall be kept in accordance with the Municipal Record Retention and Disposition Schedule published by the State Department of Cultural Resources.

(B) All such records and reports shall be public records.

(Code 1976, § 7.18)

§ 20-204 TRAFFIC DIVISION TO INVESTIGATE ACCIDENTS.

It shall be the duty of the Traffic Division, assisted by other police officers of the Department, to investigate traffic accidents, to attest, and to assist, in the prosecution of those persons charged with violations of law causing, or contributing, to such accidents.

(Code 1976, § 7.19)

§ 20-205 TRAFFIC ACCIDENT STUDIES.

Whenever the accidents at any particular location become numerous, the Traffic Division, in conjunction with other appropriate town staff, shall conduct studies of such accidents, and determine remedial measures.

(Code 1976, § 7.20)

§ 20-206 TRAFFIC ACCIDENT REPORTS.

The Traffic Division shall maintain a suitable system of filing traffic accident reports. Accident reports, or cards referring to them, shall be filed alphabetically by location.

(Code 1976, § 7.21)

§ 20-207 DRIVERS FILES TO BE MAINTAINED.

(A) The Police Department, or the Traffic Division thereof, shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions, and complaints reported for each driver, which shall be filed alphabetically under the name of the driver concerned.

(B) Such records shall be kept a minimum of five years, and in accordance with the Municipal Record Retention and Disposition Schedule published by the State Department of Cultural Resources.

(Code 1976, § 7.22)

§ 20-208 TRAFFIC DIVISION TO SUBMIT ANNUAL TRAFFIC-SAFETY REPORT.

The Traffic Division shall annually prepare a traffic report which shall be filed with the Town Manager.

§ 20-209 TRAFFIC DIVISION TO DESIGNATE METHOD OF IDENTIFYING FUNERAL PROCESSIONS.

[Repealed]

Statutory reference:

Funeral processions, G.S. § 20-157.1.

§§ 20-210 TO 20-299 RESERVED.

ARTICLE III: ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

Section

- 20-301 Authority of Police and Fire Department officials
- 20-302 Obedience to Police and Fire Department officials
- 20-303 Persons propelling push carts or riding animals to obey traffic regulations
- 20-304 Use of coasters, roller skates, and similar devices restricted
- 20-305 Public employees to obey traffic regulations
- 20-306 Authorized emergency vehicles
- 20-307 to 20-399 Reserved

§ 20-301 AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS.

(A) It shall be the duty of the officers of the Police Department, or such officers as are assigned by the Chief of Police, to enforce all street traffic laws, and all of the state vehicle laws applicable to street traffic.

(B) Officers of the Police Department, or such officers as are assigned by the Chief of Police, are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws; provided, that in the event of a fire or other emergency, or to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require, notwithstanding the provisions of the traffic laws.

(C) Officers of the Fire Department, when at the scene of a fire, may direct, or assist, the police in directing traffic there, or in the immediate vicinity.

(Code 1976, § 7.27)

Cross-reference:

Fire department, §§ 10-201 et seq.; police department, §§ 18-201 et seq.

Statutory reference:

Firemen as traffic officers, G.S. § 20-114.1(b).

§ 20-302 OBEDIENCE TO POLICE AND FIRE DEPARTMENT OFFICIALS.

No person shall willfully fail, or refuse to comply with, any lawful order, or direction, of a police officer or Fire Department official.

(Code 1976, § 7.28)

§ 20-303 PERSONS PROPELLING PUSH CARTS OR RIDING ANIMALS TO OBEY TRAFFIC REGULATIONS.

Every person propelling any push cart, or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this article which, by their very nature, can have no application.

(Code 1976, § 7.29)

Cross-reference:

Animals, Ch. 4.

Statutory reference:

Similar provisions, G.S. § 20-171.

§ 20-304 USE OF COASTERS, ROLLER SKATES, AND SIMILAR DEVICES RESTRICTED.

No person upon roller skates, or riding in, or by, means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk, and when so crossing such person shall be granted all of the rights, and shall be subject to all of the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street, as authorized by ordinance.

(Code 1976, § 7.30)

§ 20-305 PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS.

In accordance with G.S. § 20-168, the provisions of this article shall apply to the driver of any vehicle owned by, or used in, the service of the federal government, this state, county, or town, and it shall be unlawful for any driver to violate any of the provisions of this article, except as otherwise permitted in this article, or by state statute.

(Code 1976, § 7.31) Penalty, see § 1-111

Cross-reference:

Officers and employees, §§ 2-401 et seq.

§ 20-306 AUTHORIZED EMERGENCY VEHICLES.

(A) The driver of an emergency vehicle, as defined in G.S. §§ 20-145 and 20-156, when responding to an emergency call, or when in the pursuit of an actual suspected violator of the law, or when responding to, but not upon returning from, a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(B) The driver of an authorized emergency vehicle may:

- (1) Park or stand, irrespective of the provisions of this chapter;
- (2) Proceed past a red or stop signal, or stop sign, but only after slowing down as may be necessary for safe operation;

- (3) Exceed the prima facie speed limits, so long as he or she does not endanger life or property; and
- (4) Disregard regulations governing direction of movement, or turning, in specified directions.

(C) As provided in G.S. § 20-156(b), the driver of a vehicle upon the highway shall yield the right-of-way to Police and Fire Department vehicles, and public and private ambulances, vehicles used by an organ procurement organization, or agency, for the recovery or transportation of human tissues and organs for transplantation, or a vehicle operated by a transplant coordinator who is an employee of an organ procurement organization, or agency, when the transplant coordinator is responding to a call to recover, or transport, human tissues or organs for transplantation, and to rescue squad emergency service vehicles, and vehicles operated by County Fire Marshals and civil preparedness coordinators when the operators of said vehicles are giving a warning signal by appropriate light and by bell, siren, or exhaust whistle audible under normal conditions from a distance not less than 1,000 feet. When appropriate warning signals are being given, as provided in this subsection, an emergency vehicle may proceed through an intersection, or other place when the emergency vehicle is facing a stop sign, a yield sign, or a traffic light which is emitting a flashing strobe signal or a beam of steady, or flashing, red light.

(D) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his or her reckless disregard for the safety of others.

(Code 1976, § 7.32)

Cross-reference:

Fire Department, §§ 10-201 et seq.; Police Department, §§ 18-201 et seq.

Statutory reference:

Local control of speed limits, G.S. § 20-169; when speed limit not applicable, G.S. § 20-145; right-of-way exception, G.S. § 20-156(b).

§§ 20-307 TO 20-399 RESERVED.

ARTICLE IV: TRAFFIC-CONTROL DEVICES

Section

- 20-401 Authority to install traffic-control devices
- 20-402 Specifications for traffic-control devices
- 20-403 Obedience to official traffic-control devices
- 20-404 When traffic devices required for enforcement purposes
- 20-405 Display of unauthorized signs, signals, markings
- 20-406 Interference with official traffic-control devices, or railroad signs or signals
- 20-407 Authority to establish play streets
- 20-408 Traffic lanes
- 20-409 to 20-499 Reserved

Statutory reference:

Authority for traffic-control devices, traffic-control legend, G.S. §§ 20-158 and 20-158.1; pedestrian-control signals, G.S. § 20-172.

§ 20-401 AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES.

The town shall place, and maintain, traffic-control signs, signals, and devices when, and as required under the traffic chapter and ordinances, to make effective the provisions of such ordinances, and may place, and maintain, such additional traffic-control devices to regulate traffic under the traffic ordinances of this town or under state law, or to guide or warn traffic.

(Code 1976, § 7.34)

§ 20-402 SPECIFICATIONS FOR TRAFFIC-CONTROL DEVICES.

- (A) All traffic-control signs, signals, and devices shall conform to state regulations.
- (B) All signs and signals required under this article for a particular purpose shall, so far as practicable, be uniform as to type and location.
- (C) All traffic-control devices so erected, and not inconsistent with the provisions of state law or this article, shall be official traffic-control devices.

(Code 1976, § 7.35)

§ 20-403 OBEDIENCE TO OFFICIAL TRAFFIC-CONTROL DEVICES.

The driver of any vehicle, and the motorman of any streetcar, shall obey the instructions of any official traffic-control device applicable thereto, placed in accordance with this article and state law, unless otherwise directed by a police officer, or other authorized emergency personnel, subject to the exceptions granted to the driver of an authorized emergency vehicle by § 20-306(C) and G.S. § 20-156. (Code 1976, § 7.36)

§ 20-404 WHEN TRAFFIC DEVICES REQUIRED FOR ENFORCEMENT PURPOSES.

No provision of this article for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

(Code 1976, § 7.37)

§ 20-405 DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS, OR MARKINGS.

(A) No person shall place, maintain, or display upon, or in view of, any highway or other public street any unauthorized sign, signal, marking, or device which purports to be, or is an imitation of, or resembles an, official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view, or interferes with, the effectiveness of any official traffic-control device, or any railroad sign or signal.

(B) No person shall place, or maintain, nor shall any public authority permit upon any highway any traffic sign, or signal, bearing thereon any commercial advertising.

(C) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information, and of a type that cannot be mistaken for official signs.

(D) Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance, and the authority having jurisdiction over the highway is hereby empowered to remove the same, or cause it to be removed without notice.

(Code 1976, § 7.41)

§ 20-406 INTERFERENCE WITH OFFICIAL TRAFFIC-CONTROL DEVICES, OR RAILROAD SIGNS OR SIGNALS.

No person shall, without lawful authority, attempt to, or in fact alter, deface, injure, knock down, or remove any official traffic-control device, or any railroad sign or signal, or any inscription, shield, or insignia thereon, or any other part thereof.

(Code 1976, § 7.42)

§ 20-407 AUTHORITY TO ESTABLISH PLAY STREETS.

(A) The Council shall have authority to declare any street, or part thereof, a play street, and to place appropriate signs, or devices, in the roadway indicating, and helping to protect, the same.

(B) Whenever authorized signs are erected indicating any street, or part thereof, as a play street, no person shall drive a vehicle upon any such street, or portion thereof, except drivers of vehicles having business, or whose residences are within such closed area, and then any such driver shall exercise the greatest care in driving upon any such street, or portion thereof.

(Code 1976, § 7.43)

Statutory reference:

Control over streets, G.S. § 160A-296.

§ 20-408 TRAFFIC LANES.

As provided in G.S. §§ 20-150, 20-150.1, and 20-153, where traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail, or refuse, to keep such vehicle within the boundaries of any such lane, except when lawfully passing another vehicle, or preparatory to making a lawful turning movement.

(Code 1976, § 7.44) Penalty, see § 1-111

§§ 20-409 TO 20-499 RESERVED.

ARTICLE V: SPEED REGULATIONS

Section

20-501 Generally

20-502 Exceptions

20-503 to 20-599 Reserved

Statutory reference:

Local control of traffic and speed limits, G.S. §§ 20-141(e), 20-169, and 160A-300.

§ 20-501 GENERALLY.

(A) Except as otherwise provided in this article, it shall be unlawful to operate a vehicle in excess of 35 mph inside the corporate limits of the town.

(B) A violation of the speed limits established in this article shall be punishable, as provided in G.S. § 20-141 and other applicable state law, and is not subject to civil penalties pursuant to this code.

(Code 1976, § 7.45) Penalty, see § 1-111

§ 20-502 EXCEPTIONS.

(A) (1) It shall be unlawful to operate a vehicle in excess of the speeds listed below upon the streets, or portions of streets, of the state highway system listed in each designated appendix, hereby made a part hereof:

- (a) Twenty mph (Appendix B, § 214);
- (b) Twenty-five mph (Appendix B, § 215);
- (c) Thirty mph (Appendix B, § 216);
- (d) Forty mph (Appendix B, § 217);
- (e) Forty-five mph (Appendix B, § 218);
- (f) Fifty mph (Appendix B, § 219); and
- (g) Fifty-five mph (Appendix B, § 220).

(2) Any change to speed limits on streets that are part of the state highway system shall be made in accordance with G.S. § 20-141(f).

(B) It shall be unlawful to operate a vehicle in excess of the speeds listed below upon the streets, or portions of streets, not a part of the state highway system, listed in each designated appendix, hereby made a part hereof:

- (1) Twenty mph (Appendix B, § 221);
- (2) Twenty-five mph (Appendix B, § 222);
- (3) Thirty mph (Appendix B, § 223);
- (4) Forty mph (Appendix B, § 224);
- (5) Forty-five mph (Appendix B, § 225);
- (6) Fifty mph (Appendix B, § 226); and
- (7) Fifty-five mph (Appendix B, § 227).

(Code 1976, § 7.46) (Ord. 24-2004, passed 9-20-2004; Ord. 28-2004, passed 10-18-2004) Penalty, see §1-111

§§ 20-503 TO 20-599 RESERVED.

ARTICLE VI: TURNING

Section

- 20-601 Turning markers
- 20-602 Authority to place restricted turn signs
- 20-603 Obedience to no-turn signs
- 20-604 Limitations on turning around
- 20-605 to 20-699 Reserved

Statutory reference:

Turning at intersections and power of local authorities and department of transportation, G.S. § 20-153(c); control of traffic, G.S. § 160A-300.

§ 20-601 TURNING MARKERS.

When authorized markers, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

(Code 1976, § 7.48)

§ 20-602 AUTHORITY TO PLACE RESTRICTED TURN SIGNS.

(A) The Council shall determine those intersections at which drivers of vehicles shall not make a right, left, or U-turn, and shall place proper signs at such intersections.

(B) The making of such turns may be prohibited between certain hours of any day, and permitted at other hours, in which event the same shall be plainly indicated on the signs, or they may be removed when such turns are permitted.

(C) Restrictions on turning movements shall be as specified in Appendix B, §§ 210 through 213, hereby incorporated herein.

(Code 1976, § 7.49)

Statutory reference:

Turning at intersections and power of local authorities and department of transportation, G.S. § 20-153(c).

§ 20-603 OBEDIENCE TO NO-TURN SIGNS.

Whenever authorized signs are erected indicating that no right or left turn, or U-turn, is permitted, no driver of a vehicle shall disobey the directions of any such sign.

(Code 1976, § 7.50)

§ 20-604 LIMITATIONS ON TURNING AROUND.

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district, and shall not upon any other street so turn a vehicle unless such movement can be made in safety, and without interfering with other traffic.

(Code 1976, § 7.51)

§ 20-605 TO 20-699 RESERVED.

ARTICLE VII: ONE-WAY STREETS AND ALLEYS

Section

20-701 Authority to place signs on one-way streets and alleys

20-702 One-way streets and alleys

20-703 to 20-799 Reserved

Statutory reference:

Traffic control, G.S. § 160A-300.

§ 20-701 AUTHORITY TO PLACE SIGNS ON ONE-WAY STREETS AND ALLEYS.

Whenever any ordinance designates any one-way street or alley, there shall be signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

(Code 1976, § 7.52)

§ 20-702 ONE-WAY STREETS AND ALLEYS.

Upon those streets and parts of streets, and in those alleys described in Appendix B, § 209, hereby made a part hereof, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected, and maintained, at every intersection where movement in the opposite direction is prohibited.

(Code 1976, § 7.53)

§§ 20-703 TO 20-799 RESERVED.

ARTICLE VIII: DRIVING RULES

Section

20-801 Following the fire apparatus

20-802 Crossing fire hose

20-803 Driving through funeral or other procession

- 20-804 Drivers in a procession
- 20-805 Funeral processions to be identified
- 20-806 Vehicles shall not be driven on a sidewalk
- 20-807 Limitations on backing
- 20-808 Riding on motorcycles
- 20-809 Clinging to vehicles
- 20-810 Controlled access
- 20-811 to 20-899 Reserved

§ 20-801 FOLLOWING THE FIRE APPARATUS.

It shall be unlawful to follow any fire apparatus, which is responding to a call, by automobile or any other vehicle, unless such is used for transporting firefighters to the scene of fire, at a distance closer than one town block, or to pass such apparatus, or to park within the same block in which fire is in progress. A violation of this section shall be a violation of G.S. § 20-157, and is not subject to civil penalties pursuant to this code.

(Code 1976, § 7.62) Penalty, see § 1-111

Cross-reference:

Fire Protection and Prevention, Ch. 10, especially § 10-205.

§ 20-802 CROSSING FIRE HOSE.

It shall be unlawful for any person to drive over, or in any way damage or mutilate, any fire hose while in use at a fire or otherwise.

(Code 1976, § 7.63) Penalty, see § 1-111

Cross-reference:

Fire protection and prevention, Ch. 10, especially § 10-206.

Statutory reference:

Driving over fire hose, G.S. § 20-157(d).

§ 20-803 DRIVING THROUGH FUNERAL OR OTHER PROCESSION.

No driver of a vehicle shall drive between the vehicles comprising a funeral, or other, authorized procession while they are in motion, and when such vehicles are conspicuously designated. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers. (Code 1976, § 7.64)

Statutory reference:

Funeral processions, G.S. § 20-157.1.

§ 20-804 DRIVERS IN A PROCESSION.

Each driver in a funeral, or other, procession shall drive as near to the right-hand edge of the roadway as practical, and shall follow the vehicle ahead as close as is practical and safe.

(Code 1976, § 7.65)

Statutory reference:

Funeral processions, G.S. § 20-157.1.

§ 20-805 FUNERAL PROCESSIONS TO BE IDENTIFIED.

A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia, or by such other method as may be determined, and designated, by the Traffic Division.

(Code 1976, § 7.66)

Statutory reference:

Funeral processions, G.S. § 20-157.1.

§ 20-806 VEHICLES SHALL NOT BE DRIVEN ON A SIDEWALK.

Pursuant to G.S. § 20-160(b), the driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway. Violation of this section shall be a violation of G.S. § 20-160(b), and is not subject to civil penalties pursuant to this code.

(Code 1976, § 7.67)

Cross-reference:

Streets, Sidewalks, and Other Public Places, Ch. 19.

§ 20-807 LIMITATIONS ON BACKING.

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety, and without interfering with other traffic.

(Code 1976, § 7.68)

§ 20-808 RIDING ON MOTORCYCLES.

A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person, nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear, or side, of the operator. A violation of this section shall be a violation of G.S. § 20-140.4, and is not subject to civil penalties pursuant to this code.

(Code 1976, § 7.69)

Statutory reference:

Special provisions for motorcycles, G.S. § 20-140.4.

§ 20-809 CLINGING TO VEHICLES.

No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same, or himself or herself, to any streetcar or vehicle upon a roadway.

(Code 1976, § 7.70)

§ 20-810 CONTROLLED ACCESS.

Pursuant to G.S. § 20-140.3, no person shall drive a vehicle onto, or from, any controlled-access roadway, except at such entrances and exits as are established by public authority. Violation of this section shall be a violation of G.S. § 20-140.3, and is not subject to the civil penalties pursuant to this code.

(Code 1976, § 7.71)

§§ 20-811 TO 20-899 RESERVED.

ARTICLE IX: PEDESTRIANS

Section

- 20-901 Pedestrians subject to traffic-control signals
- 20-902 Right-of-way in crosswalk
- 20-903 Pedestrians to use right-half of crosswalk
- 20-904 Crossing at right angle
- 20-905 When pedestrian shall yield
- 20-906 Prohibited crossing
- 20-907 Walking along roadways
- 20-908 Pedestrians soliciting rides or business
- 20-909 Drivers to exercise due care
- 20-910 to 20-999 Reserved

§ 20-901 PEDESTRIANS SUBJECT TO TRAFFIC-CONTROL SIGNALS.

(A) Pedestrians shall be subject to traffic-control signals.

(B) At all other places, pedestrians shall be granted those rights, and be subject to the restrictions stated in this article, and as provided in G.S. Chapter 20, Article 3, Part 11, "Pedestrians' Rights and Duties".

(Code 1976, § 7.73)

Statutory reference:

Pedestrians subject to traffic-control signals, G.S. § 20-172.

§ 20-902 RIGHT-OF-WAY IN CROSSWALK.

(A) When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down, or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(B) No pedestrian shall suddenly leave a curb, or other place of safety, and walk or run into the path of a vehicle, which is so close that it is impossible for the driver to yield. A pedestrian's right-of-way in a crosswalk is modified under the provisions of § 20-905(B).

(D) Whenever any vehicle is stopped at a marked crosswalk, or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake, and pass, such stopped vehicle.

(Code 1976, § 7.74)

Statutory reference:

Pedestrians' right-of-way at crosswalks, G.S. § 20-173(b).

§ 20-903 PEDESTRIANS TO USE RIGHT-HALF OF CROSSWALK.

Pedestrians shall move, whenever practicable, upon the right-half of crosswalks.

(Code 1976, § 7.75)

§ 20-904 CROSSING AT RIGHT ANGLE.

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb, or by the shortest route to the opposite curb except in a crosswalk.

(Code 1976, § 7.76)

§ 20-905 WHEN PEDESTRIAN SHALL YIELD.

(A) Every pedestrian crossing a roadway at any point other than within a marked crosswalk, or within an unmarked crosswalk at an intersection, shall yield the right-of-way to all vehicles upon the roadway.

(B) Any pedestrian crossing a roadway at a point where a pedestrian tunnel, or overhead pedestrian crossing, has been provided shall yield the right-of-way to all vehicles upon the roadway.

(C) The foregoing rules in this section have no application under the conditions stated in §20-906 when pedestrians are prohibited from crossing at certain designated places.

(Code 1976, § 7.77)

Statutory reference:

Similar provisions, G.S. § 20-174(a), (b).

§ 20-906 PROHIBITED CROSSING.

(A) Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.

(B) No pedestrian shall cross a roadway other than in a crosswalk in any business district.

(Code 1976, § 7.78)

Statutory reference:

Crossing at other than crosswalks, G.S. § 20-174(c).

§ 20-907 WALKING ALONG ROADWAYS.

(A) Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along, and upon, an adjacent roadway.

(B) Where sidewalks are not provided, any pedestrian walking along, and upon, a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction. Such pedestrians shall yield the right-of-way to approaching traffic.

(Code 1976, § 7.79) Penalty, see § 1-111

§ 20-908 PEDESTRIANS SOLICITING RIDES OR BUSINESS.

No person shall stand in a roadway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle.

(Code 1976, § 7.80)

Statutory reference:

Pedestrians soliciting rides or employment, G.S. § 20-175.

§ 20-909 DRIVERS TO EXERCISE DUE CARE.

Notwithstanding the foregoing provisions of this article, every driver of a vehicle shall:

- (A) Exercise due care to avoid colliding with any pedestrian upon any roadway;
- (B) Give warning by sounding the horn when necessary; and
- (C) Exercise proper precaution upon observing any child, or any confused or incapacitated person, upon a roadway.

(Code 1976, § 7.81)

§§ 20-910 TO 20-999 RESERVED.

ARTICLE X: BICYCLES

Section

- 20-1001 Effect of regulations
- 20-1002 Traffic laws apply to persons riding bicycles
- 20-1003 Obedience to traffic-control devices
- 20-1004 Riding on bicycles
- 20-1005 Riding on roadways and bicycle paths
- 20-1006 Speed
- 20-1007 Emerging from alley or driveway
- 20-1008 Clinging to vehicles
- 20-1009 Carrying articles
- 20-1010 Parking
- 20-1011 Reserved
- 20-1012 Lamps and other equipment on bicycles
- 20-1013 to 20-1099 Reserved

Statutory reference:

Bicycles treated as vehicles, G.S. § 20-4.01(49).

§ 20-1001 EFFECT OF REGULATIONS.

(A) The parent of any child, and the guardian of any ward, shall not authorize, or knowingly permit, any such child or ward to violate any of the provisions of this article.

(B) These regulations shall apply whenever a bicycle is operated upon any street, or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated in this article.

(Code 1976, § 7.82)

§ 20-1002 TRAFFIC LAWS APPLY TO PERSONS RIDING BICYCLES.

Every person riding a bicycle upon a roadway shall be granted all of the rights, and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles, or by this chapter applicable to the driver of a vehicle, except as to special regulations in this article, and except as to those provisions of laws and ordinances which, by their nature, can have no application.

(Code 1976, § 7.83)

§ 20-1003 OBEDIENCE TO TRAFFIC-CONTROL DEVICES.

(A) Any person operating a bicycle shall obey the instructions of official traffic-control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer.

(B) Whenever authorized signs are erected indicating that no right or left turn, or U-turn, is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

(Code 1976, § 7.84)

§ 20-1004 RIDING ON BICYCLES.

(A) A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.

(B) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(Code 1976, § 7.85)

§ 20-1005 RIDING ON ROADWAYS AND BICYCLE PATHS.

(A) Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle, or one proceeding in the same direction.

(B) Persons riding bicycles upon a roadway shall not ride more than two abreast, except on paths, or parts of roadways, set aside for the exclusive use of bicycles.

(C) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path, and shall not use the roadway.

(Code 1976, § 7.86)

§ 20-1006 SPEED.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

(Code 1976, § 7.87)

§ 20-1007 EMERGING FROM ALLEY OR DRIVEWAY.

The operator of a bicycle emerging from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

(Code 1976, § 7.88)

§ 20-1008 CLINGING TO VEHICLES.

No person riding upon any bicycle shall attach the same, or himself or herself, to any streetcar or vehicle upon a roadway.

(Code 1976, § 7.89)

§ 20-1009 CARRYING ARTICLES.

No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand upon the handlebars.

(Code 1976, § 7.90)

§ 20-1010 PARKING.

No person shall park a bicycle upon a street other than upon the roadway against the curb, or upon the sidewalk in a rack to support the bicycle, or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

(Code 1976, § 7.91)

§ 20-1011 RESERVED.

[Reserved]

Editor's note:

Ord. 27-2006, adopted Dec. 11, 2006, deleted §20-1011, which pertained to bicycles, skateboards, roller blades prohibited and derived from Code 1976, § 7.92; and Ord. 30-2002, adopted Oct. 7, 2002.

§ 20-1012 LAMPS AND OTHER EQUIPMENT ON BICYCLES.

(A) Pursuant to G.S. § 20-129(e), every bicycle shall be equipped with a lighted lamp on the front thereof, visible under normal atmospheric conditions from a distance of at least 300 feet in front of such bicycle, and shall also be equipped with a reflex mirror or lamp on the rear, exhibiting a red light visible under like conditions from a distance of at least 200 feet to the rear of such bicycle, when used at night. Violation of this section shall be a violation of G.S. § 20-129(e), and is not subject to civil penalties pursuant to this code.

(B) No person shall operate a bicycle unless it is equipped with a bell, or other device capable of giving a signal audible for a distance of at least 100 feet, except that a bicycle shall not be equipped with, nor shall any persons use upon a bicycle, any siren or whistle.

(C) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

(Code 1976, § 7.93)

§§ 20-1013 TO 20-1099 RESERVED.

ARTICLE XI: PARKING, STOPPING, OR STANDING

Section

Division 1. Generally

- 20-1101 Standing or parking close to curb
- 20-1102 Signs or markings indicating angle parking
- 20-1103 Obedience to angle parking signs or markings
- 20-1104 Lights on parked vehicles
- 20-1105 to 20-1120 Reserved

Division 2. Prohibited in Specified Places

- 20-1121 Restricted parking
- 20-1122 Parking not to obstruct traffic
- 20-1123 Parking in alleys
- 20-1124 All night parking prohibited
- 20-1125 Parking for certain purposes prohibited
- 20-1126 Parking adjacent to schools
- 20-1127 Standing or parking on one-way roadways
- 20-1128 No stopping, standing, or parking near hazardous or congested places
- 20-1129 to 20-1140 Reserved

Division 3. Special Stops

- 20-1141 Intersection where stop required
- 20-1142 Signs to bear the word "Stop"
- 20-1143 Vehicles and streetcars to stop at Stop signs
- 20-1144 Emerging from alley, driveway, or building
- 20-1145 Stop when traffic obstructed
- 20-1146 Obedience to signal indicating approach of railroad train
- 20-1147 to 20-1160 Reserved

Division 4. Loading and Unloading

- 20-1161 Standing in passenger curb loading zone
- 20-1162 Standing in freight curb loading zone
- 20-1163 Public carrier stops and stands
- 20-1164 Stopping, standing, and parking of buses and taxicabs regulated
- 20-1165 Restricted use of bus and taxicab stands

20-1166 to 20-1180 Reserved

Division 5. Parking Restricted or Prohibited on Certain Streets

20-1181 Application of division

20-1182 Regulations not exclusive

20-1183 Parking prohibited at all times on certain streets

20-1184 Parking time limited on certain streets

20-1185 Parking signs required

20-1186 Restricted streets

20-1187 to 20-1199 Reserved

Statutory reference:

Violations of local parking ordinances, G.S. § 14-4(b); powers of municipalities in regard to parking, G.S. §§ 160A-301, 160A-302; parking, G.S. § 160A-301.

DIVISION 1. GENERALLY

§ 20-1101 STANDING OR PARKING CLOSE TO CURB.

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within 18 inches of the curb, or edge of the roadway, except as otherwise provided in this article.

(Code 1976, § 7.94)

§ 20-1102 SIGNS OR MARKINGS INDICATING ANGLE PARKING.

(A) The Town Council shall determine upon what streets angle parking shall be permitted, and shall mark, or sign, such streets, which are specified in Appendix B, § 207, hereby made a part hereof.

(B) Parking is prohibited at all times in the places designated above when signs are placed, erected, or installed giving notice thereof, or when the curb has been painted yellow in lieu of such signs.

(C) Angle parking shall not be indicated, or permitted, at any place where passing traffic would thereby be caused, or required, to drive upon the left side of the street, or upon any streetcar tracks.

(Code 1976, § 7.95)

§ 20-1103 OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS.

Upon those streets which have been signed, or marked, for angle parking, no person shall park or stand a vehicle other than at the angle to the curb, or edge, of the roadway indicated by such signs or markings.

(Code 1976, § 7.96)

§ 20-1104 LIGHTS ON PARKED VEHICLES.

(A) Whenever a vehicle is lawfully parked at nighttime upon any street within a business or residence district, no lights need be displayed upon such parked vehicle.

(B) Pursuant to G.S. §§ 20-129 and 20-134, whenever a vehicle is parked upon a street or highway outside of a business or residence during the hours between one-half hour after sunset and one-half hour before sunrise, such vehicle shall be equipped with one, or more, lamps which shall exhibit a white light on the roadway side visible from a distance of 500 feet to the front of the vehicle, and a red light visible from a distance of 500 feet to the rear. Violation of this section shall be a violation of G.S. §§ 20-129 and/or 20-134, and is not subject to civil penalties pursuant to this code.

(C) Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

(Code 1976, § 7.97)

§§ 20-1105 TO 20-1120 RESERVED.

DIVISION 2. PROHIBITED IN SPECIFIED PLACES

§ 20-1121 RESTRICTED PARKING.

(A) *General.* The Town Council, upon recommendation of the Chief of Police, may, from time to time, specify places in town to be placarded as "No Parking" zones. Upon such designation by Council, the area or zone will be clearly shown on a map, kept specifically for the purpose of showing all "No Parking" zones and areas within the town; a copy of which shall be kept at Town Hall and the Police Department, and upon such designation, the Director of Public Works will provide such

signs, markings, or both, as necessary, to indicate to the public that parking is not allowed in the area so designated.

(B) *Prohibited in specified places.* In addition to those places so designated by Council as "No Parking" zones, each of the places listed below is declared a "No Parking" zone, irrespective of signs, markings, or both being posted, erected, or installed, unless otherwise indicated:

- (1) In front of a private driveway;
- (2) In any portion of a roadway intended to carry traffic at the time such vehicle is parked, or left standing;
- (3) Upon any bridge, overpass, or other elevated structure, or within any tunnel or other underpass structure;
- (4) Vehicles shall not protrude into a street more than eight feet from the curb, or edge of the roadway;
- (5) Vehicles shall not protrude beyond the lines of a designated parking place;
- (6) Parking so as to obstruct a sidewalk or crosswalk;
- (7) Double parking; and
- (8) Park and remain overnight on any city street in accordance with §20-1124.

(C) *Prohibited in certain places pursuant to state statute.*

(1) Pursuant to G.S. § 20-162, no person shall park a vehicle, or permit it to stand, in the following places:

- (a) Upon a highway in front of a private driveway;
- (b) Within 15 feet in either direction of a fire hydrant;
- (c) Within 15 feet in either direction of the entrance to a fire station;
- (d) Within 25 feet of the intersection of curb lines, or, if none, then within 15 feet of the intersection of property lines at an intersection of highways; and/or
- (e) In any area designated as a fire lane; provided, however, that persons loading or unloading supplies, or merchandise, may park temporarily in a fire lane located in a shopping center or mall parking lot as long as the vehicle is not left unattended.

(2) Violation of this subsection shall be a violation of G.S. § 20-162, and is not subject to civil penalties pursuant to this code.

(D) *Unlawful moving of vehicle.* No person shall move a vehicle not lawfully under his or her control into any such prohibited area, or away from a curb such distance as is unlawful.

(E) *Penalty for violation.*

(1) If any person shall violate an ordinance (or any section thereof) of this town regulation, he or she shall be responsible for an infraction, and shall be required to pay a penalty of \$10 to the town within ten days from the time the ticket was written. After ten days, the ticket will be considered past due. Each ticket is a separate offense. At any given time after the ticket is past due, the Town Council may choose to have the Town Attorney pursue litigation.

(2) Payment may be delivered in person to Town Hall, dropped in the designated drop box at Town Hall, or mailed to: Town of Maiden Town Hall, 19 N. Main Avenue, Maiden, NC 28650.

(F) *Enforcement generally.* Each police employee charged with the duty of enforcing this article shall note any vehicle which is illegally parked, the vehicle tag number, the specified violations charged, and the time during which such vehicle is parking in violation. He or she shall attach to the vehicle a notice to the owner thereof that such vehicle has been parked in violation of a provision of this article, and instructions to such owner when, and where, to report with reference to such violations. Each owner may, within ten days of the time when such notice was attached to such vehicle, pay to the properly designated official as a penalty for, and in full satisfaction of, such violation, the sum of \$10 for each violation. If the same is not paid within ten days after the time such notice was attached to such vehicle, the penalty for the violation shall be an infraction, and each violation shall require the payment of a penalty, plus court costs as applicable, and as prescribed, by the general statutes.

(G) *Failure to comply with notice attached to vehicle.* If a violator of the restrictions on parking under the laws, or ordinances, of the town does not appear in response to a notice affixed to such motor vehicle within a period of ten days, the Police Department shall send to the owner(s) of the motor vehicle(s) to which the notice(s) were affixed, or shall call him or her by telephone, informing him or her of the violation, and warning him or her that in the event such a letter or telephone call is disregarded, action will be taken.

(Code 1976, § 7.98) (Ord. 35-2003, passed 12-15-2003; Ord. 9-2006, passed 3-20-2006; Ord. 22-2006, passed 8-7-2006)

Cross-reference:

Emergency towing, § 20-1206.

Statutory reference:

Parking in front of private driveways, fire lanes, and the like, G.S. § 20-162.

§ 20-1122 PARKING NOT TO OBSTRUCT TRAFFIC.

No person shall park any vehicle upon a street, other than an alley, in such manner, or under such conditions, as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.

(Code 1976, § 7.99)

§ 20-1123 PARKING IN ALLEYS.

No person shall park a vehicle within an alley in such a manner, or under such conditions, as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley, in such position as to block the driveway entrance to any abutting property.

(Code 1976, § 7.100)

§ 20-1124 ALL NIGHT PARKING PROHIBITED.

No person shall park a vehicle between the hours of 1:00 a.m. and 6:00 a.m. of any day, on the streets specified in Appendix B, § 202, hereby made a part hereof.

(Code 1976, § 7.101)

§ 20-1125 PARKING FOR CERTAIN PURPOSES PROHIBITED.

No person shall park a vehicle upon any roadway for the principal purpose of:

- (A) Displaying such vehicle for sale; or
- (B) Washing, greasing, or repairing such vehicle, except repairs necessitated by an emergency.

(Code 1976, § 7.102)

§ 20-1126 PARKING ADJACENT TO SCHOOLS.

When official signs are erected indicating no parking upon either side of a street adjacent to any school property, as authorized in this article, no person shall park a vehicle in any such designated place.

(Code 1976, § 7.103)

§ 20-1127 STANDING OR PARKING ON ONE-WAY ROADWAYS.

If a highway includes two, or more, separate roadways and traffic is restricted to one direction upon such roadway, no person shall stand, or park, a vehicle upon the left-hand side of such one-way roadway, unless signs are erected to permit such standing or parking.

(Code 1976, § 7.104)

§ 20-1128 NO STOPPING, STANDING, OR PARKING NEAR HAZARDOUS OR CONGESTED PLACES.

When official signs are erected at hazardous or congested places, no person shall stop, stand, or park a vehicle in any such designated place.

(Code 1976, § 7.105)

§§ 20-1129 TO 20-1140 RESERVED.

DIVISION 3. SPECIAL STOPS

§ 20-1141 INTERSECTION WHERE STOP REQUIRED.

The Town Council may determine, and designate, intersections where particular hazards exists, and may determine whether vehicles shall stop at one, or more, entrances to any such stop intersection, and shall erect a Stop sign at every such place where a stop is required. Such places are specified in Appendix B, § 208, hereby made a part hereof.

(Code 1976, § 7.56)

Statutory reference:

Authority to erect or install stop signs, G.S. § 20-158(a).

§ 20-1142 SIGNS TO BEAR THE WORD “STOP”.

Every sign erected pursuant to this article shall bear the word “Stop” in letters not less than eight inches in height, and such sign shall, at nighttime, be rendered luminous by steady or flashing internal illumination, or by a fixed floodlight projected on the face of the sign, or by efficient reflecting elements of the face of the sign. Every stop sign shall be located

as near as practicable at the nearest line of the crosswalk on the near side of the intersection or, if none, at the nearest line of the roadway. Notwithstanding the foregoing, all stop signs shall comply with the current standards for such signs issued by the State Department of Transportation.

(Code 1976, § 7.57)

§ 20-1143 VEHICLES AND STRETCARS TO STOP AT STOP SIGNS.

Pursuant to G.S. § 20-158(b)(5), when stop signs are erected, as authorized in this article, at or near the entrance to any intersection, every driver of a vehicle shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly parked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, except when directed to proceed by a police officer or traffic-control signal.

(Code 1976, § 7.58)

§ 20-1144 EMERGING FROM ALLEY, DRIVEWAY, OR BUILDING.

The driver of a vehicle within a business or residence district emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk, or onto the sidewalk area extending across any alleyway or driveway, yielding the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on such roadway.

(Code 1976, § 7.59)

Statutory reference:

Similar provisions, G.S. §§ 20-156(a), 20-173(c).

§ 20-1145 STOP WHEN TRAFFIC OBSTRUCTED.

No driver shall enter an intersection, or a marked crosswalk, unless there is sufficient space on the other side of the intersection, or crosswalk, to accommodate the vehicle he or she is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

(Code 1976, § 7.60)

§ 20-1146 OBEDIENCE TO SIGNAL INDICATING APPROACH OF RAILROAD TRAIN.

(A) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within 50 feet, but not less than 15 feet, from the nearest rail of such railroad, and shall not proceed until he or she can do so safely.

(B) The foregoing requirements shall apply when:

- (1) A clearly visible electric, or mechanical, signal device gives warning of the immediate approach of a railroad train;
- (2) A crossing gate is lowered, or when a human flagman gives, or continues to give, a signal of the approach, or passage, of a railroad train;
- (3) A railroad train approaching within approximately 1,500 feet of the highway crossing emits a signal audible from such distance, and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; or
- (4) An approaching railroad train is plainly visible, and is in hazardous proximity to such crossing.

(C) No person shall drive any vehicle through, around, or under any crossing gate, or barrier, at a railroad grade crossing while such gate, or barrier, is closed, or is being opened or closed.

(D) A violation of this section shall be a violation of G.S. § 20-142.1, and is not subject to civil penalties pursuant to this code.

(Code 1976, § 7.61)

Statutory reference:

Railroad intersections, G.S. § 20-142.1.

§§ 20-1147 TO 20-1160 RESERVED.

DIVISION 4. LOADING AND UNLOADING

§ 20-1161 STANDING IN PASSENGER CURB LOADING ZONE.

No person shall stop, stand, or park a vehicle for any purpose, or period of time, other than for the expeditious loading, or unloading, of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three minutes.

(Code 1976, § 7.106)

§ 20-1162 STANDING IN FREIGHT CURB LOADING ZONE.

No person shall stop, stand, or park a vehicle for any purpose, or length of time, other than for the expeditious unloading and delivery, or pickup and loading, of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed 30 minutes.

(Code 1976, § 7.107)

§ 20-1163 PUBLIC CARRIER STOPS AND STANDS.

Bus stands, taxicab stands, and stands for other passenger common carrier motor vehicles, designated by appropriate signs, shall be as specified in Appendix B, § 206, hereby made a part hereof.

(Code 1976, § 7.108)

§ 20-1164 STOPPING, STANDING, AND PARKING OF BUSES AND TAXICABS REGULATED.

(A) The operator of a bus shall not stand, or park, such vehicle upon any street at any place other than at a bus stand so designated, as provided in this chapter.

(B) The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading, or unloading, passengers or their baggage, other than at a bus stop, bus stand, or passenger loading zone so designated, as provided in this chapter; except in case of an emergency.

(C) The operator of a bus shall enter a bus stop, bus stand, or passenger loading zone on a public street in such a manner that the bus, when stopped to load or unload passengers or baggage, shall be in position with the right front wheel of such vehicle not farther than 18 inches from the curb, and the bus approximately parallel to the curb, so as not to unduly impede the movement of other vehicular traffic.

(D) The operator of a taxicab shall not stand, or park, such vehicle upon any street at any place other than in a taxicab stand so designated, as provided in this chapter. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping, or parking, regulations at any place for the purpose of, and while actually engaged in, the expeditious loading, or unloading, of passengers.

(Code 1976, § 7.109)

§ 20-1165 RESTRICTED USE OF BUS AND TAXICAB STANDS.

No person shall stop, stand, or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand, when any such stop has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of, and while actually engaged in, loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter, or about to enter, such zone.

(Code 1976, § 7.110)

§§ 20-1166 TO 20-1180 RESERVED.

DIVISION 5. PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS

§ 20-1181 APPLICATION OF DIVISION.

The provisions of this division prohibiting the standing, or parking, of a vehicle shall apply at all times, or at those times herein specified, or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic, or in compliance with the directions of a police officer, or official traffic-control device.

(Code 1976, § 7.111)

§ 20-1182 REGULATIONS NOT EXCLUSIVE.

The provisions of this division imposing a time limit on parking shall not relieve any person from the duty to observe other, and more restrictive, provisions prohibiting, or limiting, the stopping, standing, or parking of vehicles in specified places or at specified times.

(Code 1976, § 7.112)

§ 20-1183 PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS.

(A) When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described in Appendix B, § 201, hereby made a part hereof.

(B) Any vehicle parked in violation of this section shall be subject to being immediately towed away by the town. The owner of said vehicle, or any other authorized person claiming possession of the same, shall pay for all towing and storage

fees prior to claiming said vehicle.

(Code 1976, § 7.113) (Ord. 14-2000, passed 5-15-2000)

§ 20-1184 PARKING TIME LIMITED ON CERTAIN STREETS.

(A) When signs are erected in each block giving notice thereof, no person shall park a vehicle for longer than the times specified within the district, or upon any of the streets described in Appendix B, §§ 203 through 205, hereby made a part hereof.

(B) (1) Any vehicle parked in violation of this section shall be subject to being immediately towed away by the town.

(2) The owner of said vehicle, or any other authorized person claiming possession of the same, shall pay for all towing and storage fees prior to claiming said vehicle.

(3) The towing shall be performed in accordance with §20-1206.

(Code 1976, § 7.114) (Ord. 14-2000, passed 5-15-2000)

Statutory reference:

Authority to tow, G.S. § 160A-301(d).

§ 20-1185 PARKING SIGNS REQUIRED.

Whenever by this article, or any ordinance, any parking time limit is imposed, or parking is prohibited on designated streets, there shall be appropriate signs giving notice thereof, and no such regulations shall be effective unless such signs are erected, and in place, at the time of any alleged offense.

(Code 1976, § 7.115)

§ 20-1186 RESTRICTED STREETS.

No motor vehicles, other than official school busses, shall be allowed on the section of Klutz Street adjacent to the Maiden Elementary School which extends from North Main Avenue to First Avenue. This provision shall be in effect from 7:30 a.m. to 8:30 a.m., and from 2:30 p.m. to 3:30 p.m. on all regularly scheduled school days.

(Code 1976, § 7.116)

§§ 20-1187 TO 20-1199 RESERVED.

ARTICLE XII: ABANDONED, NUISANCE, AND JUNKED MOTOR VEHICLES

Section

- 20-1200 Administration
- 20-1201 Definitions
- 20-1202 Abandoned vehicle unlawful; removal authorized
- 20-1203 Nuisance vehicle unlawful; removal authorized
- 20-1204 Junked motor vehicle regulated; removal authorized
- 20-1205 Declared to be a health or safety hazard
- 20-1206 Removal of abandoned, nuisance, or junked motor vehicles; pre-towing notice requirements
- 20-1207 Exceptions to prior requirement
- 20-1208 Removal from private property
- 20-1209 Removal of vehicles; post-towing requirements
- 20-1210 Right to probable cause hearing before sale or final disposition of vehicle
- 20-1211 Redemption of vehicle during proceedings
- 20-1212 Sale and disposition of unclaimed vehicle
- 20-1213 General penalty
- 20-1214 Exceptions
- 20-1215 Unlawful removal of impounded vehicle
- 20-1216 Protection against criminal or civil liability

§ 20-1200 ADMINISTRATION.

The Police Department, Fire Department, and Code Official of the town shall be responsible for the administration, and enforcement, of this article. The Police Department shall be responsible for administering the removal, and disposition, of vehicles determined to be “abandoned” on the public streets and highways within the town, and on property owned by the town. The Town Code Official, with the assistance of the Code Official, Town Planner, or Fire Department, shall be responsible for administering the removal and disposition of “abandoned”, “nuisance”, or “junked motor vehicles” located on private property. The town may, on an annual basis, contract with private tow truck operators or towing businesses to remove, store, and dispose of abandoned vehicles, nuisance vehicles, and junked motor vehicles in compliance with this article, and applicable state laws. Nothing in this article shall be construed to limit the legal authority or powers of the Town Police Department and Fire Department in enforcing other laws, or in otherwise carrying out their duties.

(Ord. 23-2018, passed 12-3-2018)

§ 20-1201 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates, or requires, a different meaning.

ABANDONED VEHICLE. As authorized, and defined, in G.S. § 160A-303, an **ABANDONED MOTOR VEHICLE** is one that:

- (1) Is left upon a public street or highway in violation of a law or ordinance prohibiting parking;
- (2) Is left on a public street or highway for longer than seven days;
- (3) Is left on property owned, or operated, by the town for longer than 24 hours; or
- (4) Is left on private property without the consent of the owner, occupant, or lessee thereof, for longer than two hours.

AUTHORIZING OFFICIAL. The supervisory employee of the Police Department, or the Code Official, respectively, designated to authorize the removal of vehicles under the provisions of this article.

JUNKED MOTOR VEHICLE. As authorized, and defined, in G.S. § 160A-303.2, the term **JUNKED MOTOR VEHICLE** means a vehicle that does not display a current license plate lawfully upon that vehicle, and that:

- (1) Is partially dismantled or wrecked;
- (2) Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
- (3) Is more than five years old and appears to be worth less than \$500.

MOTOR VEHICLE or **VEHICLE.** All machines designed, or intended, to travel over land or water by self-propulsion, or while attached to any self-propelled vehicle.

NUISANCE VEHICLE. A vehicle on public, or private, property that is determined, and declared, to be a health or safety hazard, or a public nuisance, or unlawful, including a vehicle found to be:

- (1) A breeding ground, or harbor, for mosquitoes, other insects, rats, or other pests;
- (2) A point of heavy growth of weeds, or other noxious vegetation, over eight inches in height;
- (3) A point of collection of pools or ponds of water;
- (4) A point of concentration of quantities of gasoline, oil, or other flammable or explosive materials as evidenced by odor, visible presence;
- (5) One which has areas of confinement which cannot be operated from the inside, such as trunks, hoods, passenger interior, or other interior sections, and the like;
- (6) So situated or located that there is a danger of its falling, or turning, over;
- (7) One which is a point of collection of garbage, food waste, animal waste, or any other rotten, or putrescible, matter of any kind;
- (8) One which has sharp parts thereof which are jagged, or contain sharp edges of metal or glass;
- (9) So offensive to the sight as to damage the community, neighborhood, or area appearance;
- (10) Used by children in play activities; or
- (11) Any other vehicle specifically declared a health and safety hazard, and a public nuisance by the Town Council.

(Ord. 23-2018, passed 12-3-2018)

§ 20-1202 ABANDONED VEHICLE UNLAWFUL; REMOVAL AUTHORIZED.

(A) It shall be unlawful for the registered owner, or person entitled to possession of a vehicle, to cause, or allow, such vehicle to be abandoned, as the term is defined herein.

(B) Upon investigation, proper authorizing officials of the town may determine that a vehicle is an abandoned vehicle, and

order the vehicle removed.

(Ord. 23-2018, passed 12-3-2018) Penalty, see §20-1213

§ 20-1203 NUISANCE VEHICLE UNLAWFUL; REMOVAL AUTHORIZED.

(A) It shall be unlawful for the registered owner, or person entitled to possession of a motor vehicle, or for the owner, lessee, or occupant of the real property upon which the vehicle is located, to leave, or allow, the vehicle to remain on the property after it has been declared a nuisance vehicle.

(B) Upon investigation, the Code Enforcement Office may determine, and declare, that a vehicle is a health or safety hazard, and a nuisance vehicle as defined above, and order the vehicle removed.

(Ord. 23-2018, passed 12-3-2018) Penalty, see §20-1213

§ 20-1204 JUNKED MOTOR VEHICLE REGULATED; REMOVAL AUTHORIZED.

(A) It shall be unlawful for the registered owner, or person entitled to the possession, of a junked motor vehicle, or for the owner, lessee, or occupant of the real property upon which a junked motor vehicle is located to leave, or allow, the vehicle to remain on the property after the vehicle has been ordered removed.

(B) Subject to the provisions of subsection (C) below, upon investigation, the Code Official may order the removal of a junked motor vehicle, as defined in this article, after finding, in writing, that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting, or enhancing, community, neighborhood, or area appearance. The following, among other relevant factors, may be considered:

- (1) Protection of property values;
- (2) Promotion of tourism, and other economic development opportunities;
- (3) Indirect protection of public health and safety;
- (4) Preservation of the character, and integrity, of the community; and
- (5) Promotion of the comfort, happiness, and emotional stability of area residents.

(C) Any other junked motor vehicle(s) must be kept in a garage, or building structure that provides a complete enclosure so that the junked motor vehicle(s) cannot be seen from a public street, or abutting property. A **GARAGE, or BUILDING STRUCTURE**, means one which is erected pursuant to the lawful issuance of a zoning permit and a building permit which has been constructed in accordance with all zoning and building code regulations.

(Ord. 23-2018, passed 12-3-2018) Penalty, see §20-1213

§ 20-1205 DECLARED TO BE A HEALTH OR SAFETY HAZARD.

Any partially dismantled or wrecked vehicle, vehicle which is incapable of self-propulsion, or being moved in the manner for which it was originally intended, vehicle left on private property without the consent of the owner, occupant, or lessee thereof, or any junk motor vehicle is declared to be an attractive nuisance for children, a breeding place for rats and vermin, and a potential fire hazard. All vehicles abandoned upon privately-owned property, which have been abandoned for as long as 30 days, are declared to constitute a health and safety hazard.

(Ord. 23-2018, passed 12-3-2018)

§ 20-1206 REMOVAL OF ABANDONED, NUISANCE, OR JUNKED MOTOR VEHICLES; PRE-TOWING NOTICE REQUIREMENT.

(A) Except as set forth in §20-1207, an abandoned, nuisance, or junked vehicle, which is to be removed, shall be towed only after notice to the registered owner, or person entitled to possession of the vehicle. In the case of a nuisance vehicle or a junked motor vehicle, if the names and mailing addresses of the registered owner, or person entitled to the possession of the vehicle, or the owner, lessee, or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, notice shall be given by first class mail (or any other method authorized for service by the State Rules of Civil Procedure). The person who mails the notice(s) shall retain a written record to show the name(s) and address(es) to whom the notice is mailed, and the date mailed. If such names and addresses cannot be ascertained, or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield, or some other conspicuous place on the vehicle. The notice shall state that the vehicle will be removed by the town on a specified date, no sooner than seven days after the notice is affixed or mailed, unless the vehicle is moved by the owner, or legal possessor, prior to that time.

(B) An order to remove abandoned vehicles on private property, nuisance vehicles, and junked motor vehicles to which notice is required to be given, may be appealed by the registered owner, or person entitled to possession, to the BOA within the time period stated in the notice to remove by appearing before the BOA at the appeal hearing date and time given on the notice. Such appeal shall stay the order of removal until final determination by the BOA. The appeal shall consider the determination that the vehicle is abandoned, or in the case of a nuisance vehicle, or in the case of a junked motor vehicle, that the aesthetic benefits of removing the vehicle outweigh the burdens. In the event no appeal is taken within the time

period stated in the notice to remove, the Code Official may proceed to remove the vehicle.

(Ord. 23-2018, passed 12-3-2018)

§ 20-1207 EXCEPTIONS TO PRIOR REQUIREMENT.

(A) The requirement that notice be given prior to the removal of an abandoned, nuisance, or junked motor vehicle may, as determined by the authorizing official, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions, or to otherwise maintain, and protect, the public safety and welfare. Such findings shall, in all cases, be entered by the authorizing official in the appropriate daily records.

(B) Circumstances justifying the removal of vehicles without prior notice include:

(1) *Vehicles abandoned on the streets within the town.* For vehicles left on the public streets or highways, the Town Council hereby determines that immediate removal of such vehicles therefrom for safekeeping by, or under, the direction of the Police Department, the Department of Planning and Community Development, or the Department of Public Works, to a storage garage or area may be warranted when they are:

- (a) Obstructing traffic;
- (b) Parked in violation of an ordinance prohibiting, or restricting, parking;
- (c) Parked in a no-stopping, or standing, zone;
- (d) Parked in loading zones;
- (e) Parked in bus zones; or
- (f) Parked in violation of temporary parking restrictions imposed under code sections.

(2) *Other abandoned or nuisance vehicles.* With respect to abandoned, or nuisance, vehicles left on town-owned property, other than the streets and highways, and on private property, such vehicles may be removed without giving prior notice only in those circumstances where the authorizing official finds a special need for prompt action to protect, and maintain, the public health, safety, and welfare; therefrom for safekeeping by, or under, the direction of the Police Department, the Department of Planning and Community Development, or the Department of Public Works, to a storage garage or area. By way of illustration and not of limitation, such circumstances include vehicles blocking, or obstructing, ingress or egress to businesses and residences, vehicles parked in such a location or manner as to pose a traffic hazard, and vehicles causing damage to public, or private, property.

(Ord. 23-2018, passed 12-3-2018)

§ 20-1208 REMOVAL FROM PRIVATE PROPERTY.

Before any vehicle may be removed by the town from private property, as defined above, to be abandon, junk, or nuisance, the owner of the real property on which any such vehicle is located must be given at least five days' written notice from the town of the vehicle removal. The owner may request, in writing, that the Code Official review the determination that the vehicle to be removed is in violation of the article. No such vehicle shall be removed from privately-owned premises without the written request of the owner, lessee, or occupant of the premises on which the vehicle is located unless the vehicle has had the status of an abandoned vehicle on such privately-owned premises for as long as 30 days and has, therefore, become a health and safety hazard in accordance with the declaration of the Council as set out in § 20-1205. When a vehicle is removed from privately-owned property at the request of a person, the person at whose request such vehicle is moved shall indemnify the town against loss or expense incurred by reason of removal, storage, or sale thereof.

(Ord. 23-2018, passed 12-3-2018)

§ 20-1209 REMOVAL OF VEHICLES; POST-TOWING REQUIREMENTS.

(A) Any abandoned, nuisance, or junked motor vehicle which has been ordered removed may, as directed by the town, be removed to a storage garage, or area, by the tow truck operator, or towing business contracting to perform such services for the town. Whenever such a vehicle is removed, the authorizing town official shall immediately notify the last known registered owner of the vehicle, such notice to include the following:

- (1) The description of the removed vehicle;
- (2) The location where the vehicle is stored;
- (3) The violation with which the owner is charged, if any;
- (4) The procedure the owner must follow to redeem the vehicle; and
- (5) The procedure the owner must follow to request a probable cause hearing on the removal.

(B) The town shall attempt to give notice to the vehicle owner by telephone; however, whether or not the owner is reached by telephone, written notice, including the information set forth in subsections (A)(1) through (A)(5) above, shall also be mailed to the registered owner's last known address, unless this notice is waived, in writing, by the vehicle owner or agent.

(C) If the vehicle is registered in the state, notice shall be given within 24 hours. If the vehicle is not registered in the state, notice shall be given to the registered owner within 72 hours from the removal of the vehicle.

(D) Whenever an abandoned, nuisance, or junked motor vehicle is removed, and such vehicle has no valid registration or registration plates, the authorizing town official shall make reasonable efforts, including checking the vehicle identification number, to determine the last known registered owner of the vehicle, and to notify him or her of the information set forth in subsections (A)(1) through (A)(5) above.

(Ord. 23-2018, passed 12-3-2018)

§ 20-1210 RIGHT TO PROBABLE CAUSE HEARING BEFORE SALE OR FINAL DISPOSITION OF VEHICLE.

(A) After the removal of an abandoned vehicle, nuisance vehicle, or junked motor vehicle, the owner, or any other person entitled to possession, is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle.

(B) A request for hearing must be filed, in writing, with the County Magistrate, designated in G.S. § 20-219.11(c), to receive such hearing requests. The Magistrate will set the hearing within 72 hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. § 20-219.11, as amended.

(Ord. 23-2018, passed 12-3-2018)

§ 20-1211 REDEMPTION OF VEHICLE DURING PROCEEDINGS.

At any stage in the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed vehicle by paying the towing fee, including any storage charges, or by posting a bond for double the amount of such fees and charges to the tow truck operator, or towing business having custody of the removed vehicle. Upon regaining possession of a vehicle, the owner, or person entitled to the possession of the vehicle, shall not allow, or engage in, further violations of this article.

(Ord. 23-2018, passed 12-3-2018)

§ 20-1212 SALE AND DISPOSITION OF UNCLAIMED VEHICLE.

Any abandoned, nuisance, or junked motor vehicle which is not claimed by the owner, or other party entitled to possession, will be disposed of by the tow truck operator, or towing business having custody of the vehicle. Disposition of such a vehicle shall be carried out in coordination with the town, and in accordance with G.S. Chapter 44A, Article 1, except no probable cause hearing in addition to the hearing provided for in § 20-1210 is required.

(Ord. 23-2018, passed 12-3-2018)

Statutory reference:

Disposal of abandoned, nuisance, or junked motor vehicle, by tow truck operator or towing business, G.S. Ch. 44A, Art. 1.

§ 20-1213 GENERAL PENALTY.

(A) Except as set forth in subsection (B) below, violation of any provision of this code, or any other town ordinance, shall be a misdemeanor as provided by G.S. § 14-4(a).

(B) Violation of any provision of this code shall subject the offender to a civil penalty in the amount of \$50, to be recovered by the town in a civil action in the nature of debt if the offender does not pay the penalty within a period of 72 hours after he or she has been cited for violation of the article.

(C) Citation shall be in writing, signed by the Code Official, and shall be delivered, or mailed, to the offender either at the residence or at the place of business, or at the place where the violation occurred. Each day's continuing violation shall be a separate, and distinct, offense.

(D) Any action to recover such civil penalty may be joined in action for appropriate equitable, or other legal, remedy, including injunctions and orders of abatement, and including an action to recover damages owing to the town by reason of expenses incurred by the town in abating, correcting, limiting, and otherwise dealing with the harmful effects of the offending action.

(Ord. 23-2018, passed 12-3-2018)

§ 20-1214 EXCEPTIONS.

Nothing in this article shall apply to any vehicle:

(A) Regulated under G.S. § 160A-303.2, which is kept or stored at a bona fide "automobile graveyard" or "junkyard", as defined in G.S. § 136-143, in accordance with the Junkyard Control Act, G.S. §§ 136-141 et seq., or the removing, or disposing, of any motor vehicle that is used on a regular basis for business or personal use; and

(B) Regulated under G.S. § 160A-303, which is in an enclosed building, or any vehicle on the premises of a business enterprise, being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise, or to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the town.

(Ord. 23-2018, passed 12-3-2018)

§ 20-1215 UNLAWFUL REMOVAL OF IMPOUNDED VEHICLE.

It shall be unlawful for any person to remove, or attempt to remove, from any storage facility designated by the town any vehicle which has been impounded pursuant to the provisions of this code, unless, and until, all towing and impoundment fees which are due, or bond in lieu of such fees, have been paid.

(Ord. 23-2018, passed 12-3-2018) Penalty, see §20-1213

Statutory reference:

Definition of junkyard, G.S. § 136-143, Junkyard Control Act, G.S. § 136-141.

§ 20-1216 PROTECTION AGAINST CRIMINAL OR CIVIL LIABILITY.

No person shall be held to answer in any civil, or criminal, action to any owner, or other person legally entitled to the possession, of an abandoned, nuisance, or junked motor vehicle, for disposing of such vehicle as provided in this article.

(Ord. 23-2018, passed 12-3-2018)

ARTICLE XIII: GOLF CARTS

Section

- 20-1300 Scope
- 20-1301 Rules and regulations
- 20-1302 Golf cart operation
- 20-1303 Registration and inspection
- 20-1304 Technical specifications
- 20-1305 Enforcement and penalty

§ 20-1300 SCOPE.

(A) *General.* The establishment of a golf cart article is necessary to address the interests of public safety. Golf carts are not designed, or manufactured, to be used on public streets, roads, and highways (hereinafter "road(s)"), and the town in no way advocates, or endorses, their operation on roads. The town, by regulating such operations, is merely trying to address obvious safety issues, and adoption of this article is not to be relied upon as a determination that operation on roads is safe, or advisable, if done in accordance with this article. All persons who operate, or ride upon, carts on roads do so at their own risk and peril, and must be observant of, and attentive to, the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. The town has no liability under any theory of liability for permitting carts to be operated on roads under special legislation granted by the state legislature G.S. § 160A-300.6. Any person who operates a cart must procure, and maintain, liability insurance sufficient to cover the risks involved in using a cart on public roads within the town.

(B) *Purpose.* The purpose of this article shall be to establish a golf cart article within the town to promote the health, safety, and welfare of persons operating cart(s) within the town, and to protect the safety of their passengers and other users of roads.

(C) *Definitions.* For the purpose of this article, the following definitions shall apply unless the context clearly indicates, or requires, a different meaning.

DRIVER'S LICENSE. A valid license issued to operate a motor vehicle, issued by the state or any other state.

FINANCIAL RESPONSIBILITY. Liability insurance coverage on a golf cart in an amount not less than required by state law for motor vehicles operated on public highways in the state.

GOLF CART. A vehicle designed, and manufactured, for operation on a golf course for sporting, or recreational, purposes, and that is not capable of exceeding speeds of 20 mph, pursuant to G.S. § 20-4.01(12a).

GOLF CART LICENSE. A sticker or tag provided by the town that must be visibly displayed on the golf cart. Each golf cart will have its own **LICENSE**.

OPERATOR. Only persons over 16 years of age, and holding a valid driver's license, may operate a golf cart on roads.

(Ord. 31-2012, passed 8-20-2012)

§ 20-1301 RULES AND REGULATIONS.

This article is to establish guidance in the interest of public safety. Golf carts hereinafter:

(A) Shall not be operated on, or alongside, a public road, or street, with a posted speed limit greater than 35 mph or higher;

(B) May cross a road with a posted speed limit greater than 35 mph. However, once this segment of road has been transversed, the golf cart is still required to travel only on, or along, a roadway with a speed limit of 35 mph or less;

(C) Any person who operates a golf cart must be responsible for all liability associated with operation of the golf cart, and must have liability insurance coverage which will cover the use of a golf cart in an amount not less than required by state law for motor vehicles operated on public highways in the state;

(D) Any person who operates a golf cart must be at least 16 years of age, or older. No person may operate a golf cart unless that person is licensed to drive upon the public streets, roads, and highways of the state, and then only in accordance with such valid driver's license issued to him or her by the state. Golf cart operators must carry their driver's license on their person at all times while operating a golf cart on public roads;

(E) Any person who operates a golf cart on public streets and roads must adhere to all applicable state and local laws, regulations, and ordinances, including, but not limited to, those banning the possession, and use, of alcoholic beverages, and all other illegal drugs. In addition, no golf cart containing any open container of alcohol shall be operated on public roads;

(F) The operator of the golf cart shall comply with all traffic rules and regulations adopted by the state and the town which governs the operation of motor vehicles;

(G) Golf carts are allowed to park in handicapped parking spaces if the driver, or at least one passenger, has a valid handicap-parking sticker displayed on the golf cart;

(H) An operator may not allow the number of people in the golf cart, at any one time, to exceed the maximum capacity specified by the manufacturer. The operator shall not allow passengers to ride on any part of a golf cart not designed to carry passengers, such as the part of the golf cart designed to carry golf bags;

(I) In no instance shall a golf cart be operated at a speed greater than 20 mph. No golf cart may be operated at a speed greater than reasonable, and prudent, for the existing conditions;

(J) Golf carts must be operated at the right edge of the roadway, and must yield to all vehicular and pedestrian traffic;

(K) Golf carts may only be operated between sunrise and sunset; and

(L) If a golf cart is not equipped with brake lights or turn signals, the operator must use standard hand signals to signal stopping and turning.

(Ord. 31-2012, passed 8-20-2012)

§ 20-1302 GOLF CART OPERATION.

Golf carts may not be operated within the town in the following manner or areas:

(A) On public sidewalks, trails, and greenways;

(B) Along utility rights-of-way, including, but not limited to, water/sewer rights-of-way, electric rights-of-way, and stormwater rights-of-way;

(C) No standing on golf carts;

(D) Golf carts shall not be operated on, or across, any public, or private, properties without the expressed written permission of the property owner;

(E) Riders may not be transported in a negligent manner; and

(F) No golf cart shall operate on any street, roadway, or other public vehicle area that is closed due to special events, parades, or construction. The Chief of Police, or his or her designee, may prohibit the operation of golf carts on any street or road if the Chief determines that the prohibition is necessary in the interest of safety. The exception will be the Fourth of July parade.

(Ord. 31-2012, passed 8-20-2012)

§ 20-1303 REGISTRATION AND INSPECTION.

Regulations on registrations, inspection, and fees prior to usage are as follows:

(A) All golf cart operators must complete a golf cart registration application, and submit to the Town Police Department for approval. Before driving on public roads, the operator of the golf cart must have a valid registration issued;

(B) Each owner must have proof of ownership and liability insurance, and completed a waiver of liability, releasing the town from liability that may arise as a result of operation of a golf cart inside the town. These documents must be in the golf cart at all times while in operation on public roads;

(C) All golf cart operators must present a valid driver's license while operating a golf cart on public roads;

(D) The registration sticker shall be valid for no more than one year, from January 1 to December 31 of each year, and must be visible on a golf cart operated on a public road;

(E) Lost or stolen stickers are the responsibility of the owner, and must be replaced before the golf cart is operated on a public road;

(F) The Police Chief retains the right to refuse to issue, and/or revoke, any permit sticker from any cart at any time for any reason he or she feels is appropriate to ensure the safety, and well being, of the citizens of the town; and

(G) All golf carts must meet the requirements, or minimum standards, of safety equipment as set forth in this article. The cart must be inspected, and approved, by the Chief of Police, or his or her designee prior to usage.

(Ord. 31-2012, passed 8-20-2012)

§ 20-1304 TECHNICAL SPECIFICATIONS.

Golf carts operated in the town shall conform with the following technical specifications in order to receive, and maintain, a valid license.

(A) Golf carts shall have a standard low speed traffic triangle, or pennant, displayed prominently on the rear of the vehicle.

(1) Low speed caution triangle with a minimum size of 12 inches, or greater, on all three sides and shall be made of reflective material.

(2) The triangle shall be mounted on the rear of the vehicle, and permanently installed.

(B) One operational rearview mirror.

(C) Golf carts shall have at least two red rear reflectors measuring a total of six square inches of reflective area each. A reflective rear light kit will suffice.

(Ord. 31-2012, passed 8-20-2012)

§ 20-1305 ENFORCEMENT AND PENALTY.

(A) Any act constituting a violation of this article, or failure to comply with any of its requirements, shall subject the offenders to a civil penalty of \$50, plus the court costs and attorney fees incurred by the town.

(B) Notwithstanding the foregoing, persons who, while driving golf carts on public streets within the town, violate the "Rules of the Road" applicable to motor vehicles generally (as set forth in G.S. Chapter 20, Article 3, Part 10), shall be subject to the same penalties applicable to the operators of such other motor vehicles.

(1) Operating a golf cart under the influence of an impairing substance (for example, alcohol or drugs) on a public road, or highway, is not a violation of this article, but a violation of state law, and is punishable as provided therein.

(2) If the offender(s) fail to pay the penalty within ten days of receiving a final written notice of violation, the penalty may be recovered by the town in a civil action in the nature of a debt. Repeat offenders may have the privileges granted by this article revoked by the Chief of Police.

(Ord. 31-2012, passed 8-20-2012)