

TITLE VII: TRAFFIC CODE

Chapter

- 70. GENERAL PROVISIONS**
- 71. TRAFFIC REGULATIONS**
- 72. STOPPING, STANDING AND PARKING**

CHAPTER 70: GENERAL PROVISIONS

Section

General Provisions

- 70.01 Definitions
- 70.02 Obedience to chapter provisions
- 70.03 Applicability of chapter
- 70.04 Obedience to police
- 70.05 Authority of police in special cases
- 70.06 Public employees to obey traffic regulations
- 70.07 Exemptions for authorized emergency vehicles

Traffic-Control Devices

- 70.20 Obedience to official traffic-control devices; when signs required for enforcement
- 70.21 No turn signs and turning markers
- 70.22 No parking zone and safety zone markers
- 70.23 Quiet zones
- 70.24 Play streets
- 70.25 School zones
- 70.26 Traffic-control signal legend
- 70.27 Flashing signals

Administration and Enforcement

- 70.40 Authority of Police Department to handle certain offenses
- 70.41 Citation; warrant
- 70.42 Payment of fines
- 70.43 Impoundment of vehicles authorized
- 70.44 Notification to owner; sale of unclaimed vehicles
- 70.45 Applicability
- 70.46 Appeal procedures

- 70.99 Penalty

GENERAL PROVISIONS

§ 70.01 DEFINITIONS.

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

AUTHORIZED EMERGENCY VEHICLE.

Vehicles of the Fire Department, police vehicles and ambulances designated or authorized by the Chief of Police.

BLOCK. The length of that portion of any street which is located between two street intersections.

BUSINESS DISTRICT. The territory contiguous to a street or highway when 75% or more of frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business purposes.

CROSSWALK. That portion of a roadway lying between the prolongation of the lateral sidewalk or boundary lines over an intersection as well as any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

DRIVER. The operator of a vehicle. The terms "driver" and "operator" and their cognates are synonymous.

INTERSECTION. The area embraced within the prolongation of the lateral curblines or, if none, then the lateral edge of roadway lines of two or more highways which join one another at any angle whether or not one such highway 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. In the event that 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.

MOTOR VEHICLES. 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(27)d1.

OFFICIAL TRAFFIC-CONTROL DEVICE. Any sign, signal, marking or device not inconsistent with this chapter placed or erected by authority of the City Council or of an official having jurisdiction for the purpose of regulating, warning or guiding traffic.

OFFICIAL TRAFFIC SIGNAL. Any device, whether manually or automatically operated, by which traffic is alternately directed to stop and to proceed.

PARK. Cause the vehicle to stand, whether occupied or not, other than temporarily for the purpose of loading or unloading.

PEDESTRIAN. Any person afoot.

POLICE OFFICER. Any officer of the City Police Department or any other officer authorized to direct traffic or to make arrests for violation of traffic regulations.

PRIVATE ROAD or DRIVEWAY. Any road or driveway not open to the use of the public as a matter of right for purposes of vehicular travel.

PUBLIC CONVEYANCE. Any vehicle engaged in the business of transporting persons for fare.

RAILROAD. Any carrier of persons or property, other than streetcars, with cars operated on stationary rails.

RAILROAD TRAIN. A steam engine or an electric or other locomotive with or without cars coupled thereto that is operated upon rails, not including streetcars.

RESIDENCE DISTRICT. The territory contiguous to a street or highway not comprising a

business district where 75% or more of the frontage on such street or highway for a distance of 300 feet or more is mainly occupied by residential dwellings.

RIGHT-OF-WAY. The privilege of the immediate use of the roadway not inconsistent with regulations and conditions.

ROADWAY. That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. In the event 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.

SAFETY ZONE. Traffic island or other space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

SIDEWALK. That portion of a street between the curblines or lateral lines of a roadway and the adjacent property lines and that is exclusively intended for the use of pedestrians.

STANDING. Any stopping of an occupied or unoccupied vehicle.

STOP. When required, a complete cessation of movement.

STOP or STOPPING. When prohibited, any stopping of a vehicle, except when conflict with other traffic is imminent, or when otherwise directed by a police officer.

STREET or HIGHWAY. The entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for the purposes of vehicular traffic. The terms "highway" and "street" and their cognates are synonymous.

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

TRAFFIC SIGNS. Any authorized sign or marker placed, erected or installed at certain places and purporting to give notice of direction or to convey a prohibition or warning. The presence of such signs, though not compulsory, is generally dictated by necessity or common sense with a view to furtherance of public safety.

VEHICLE. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting 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, is suitable for use both inside and outside a building, and whose maximum speed does not exceed 12 miles per hour when the device is being operated by a person with a mobility impairment.

(`88 Code, § 12-1)

Statutory reference:

Definitions relating to motor vehicles and traffic, see G.S. § 20-4.01

§ 70.02 OBEDIENCE TO CHAPTER PROVISIONS.

It shall be unlawful for any person to do any act forbidden or fail to perform any act required in this chapter.

(`88 Code, § 12-2) Penalty, see § 70.99

§ 70.03 APPLICABILITY OF CHAPTER.

Every person propelling any pushcart, riding a bicycle or an animal or driving an animal-driving vehicle shall be subject to the provisions of this chapter applicable to any driver of any vehicle, except those provisions of this chapter which by their very nature can have no such application.

(`88 Code, § 12-3)

Statutory reference:

Similar provisions, see G.S. § 20-171

§ 70.04 OBEDIENCE TO POLICE.

No person shall refuse to comply with any lawful order or direction of a police officer.

(`88 Code, § 12-4) Penalty, see § 70.99

§ 70.05 AUTHORITY OF POLICE IN SPECIAL CASES.

In the event of a fire or other emergency or when it is necessary to expedite traffic or to safeguard pedestrians, police officers may direct traffic as conditions may require, notwithstanding other provisions of this chapter.

(`88 Code, § 12-5)

§ 70.06 PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS.

The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States government, this state, county or city; it shall be unlawful for any such driver to violate any of the provisions of this chapter or state statutes.

(`88 Code, § 12-6) Penalty, see § 70.99

Statutory reference:

Drivers of government vehicles, see G.S. § 20-168

§ 70.07 EXEMPTIONS FOR AUTHORIZED EMERGENCY VEHICLES.

The provisions of this title regulating the operation, parking and standing of vehicles shall also apply to authorized emergency vehicles, as defined in this chapter, except as follows:

(A) Unless otherwise directed by a police officer, a driver when operating such vehicle in any emergency may:

(1) Park or stand, notwithstanding other provisions of this chapter;

(2) Proceed past a red or stop signal or stop sign, but only after slowing down to the extent necessary for safe operation;

(3) Exceed the speed limits otherwise applicable, so long as he or she does not endanger life or property;

(4) Disregard regulations governing the direction of movement or turning in specified directions, so long as he or she does not endanger life or property.

(B) The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequences of his or her reckless disregard for the safety of others.

(`88 Code, § 12-7)

Statutory reference:

Applicability of speed limit to emergency vehicles, see G.S. § 20-145

Yielding right-of-way to emergency vehicles, see G.S. § 20-156

Conduct required of driver of vehicle upon approach of emergency vehicle, see G.S. § 20-157

TRAFFIC-CONTROL DEVICES

§ 70.20 OBEDIENCE TO OFFICIAL TRAFFIC-CONTROL DEVICES; WHEN SIGNS REQUIRED FOR ENFORCEMENT.

(A) The driver of any vehicle shall obey the directions of any official traffic-control device placed in accordance with the traffic ordinances of the city, subject to certain exceptions which are granted the driver of any authorized emergency vehicle in § 70.07, unless otherwise directed by a police officer.

(B) No provision of this chapter which provides for signs shall be enforced against an alleged violator if, at the time and place of the alleged violation, such official sign was not in proper position or was insufficiently legible to an ordinarily observant person. Whenever a particular section does not stipulate signs, such sections shall be effective without signs being placed to give notice thereof.

(`88 Code, § 12-26) Penalty, see § 70.99

§ 70.21 NO TURN SIGNS AND TURNING MARKERS.

Whenever authorized signs are placed indicating that no right turn, no left turn or no U-turn is permitted, the driver of a vehicle shall obey the directions of such sign, and when authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles traversing or turning, the driver of a vehicle shall obey the directions of such indications.

(`88 Code, § 12-27) Penalty, see § 70.99

§ 70.22 NO PARKING ZONE AND SAFETY ZONE MARKERS.

Whenever authorized signs or markings are placed indicating no parking zones or safety zones, the driver of a vehicle shall obey such regulatory indications.

(`88 Code, § 12-28) Penalty, see § 70.99

§ 70.23 QUIET ZONES.

Whenever authorized signs are placed indicating quiet zones, the person operating a motor vehicle within such zone shall not sound the horn or any other warning device of such vehicle except in an emergency.

(`88 Code, § 12-29) Penalty, see § 70.99

§ 70.24 PLAY STREETS.

Whenever authorized signs are placed designating any street, or part thereof, as a play street, no person shall drive a vehicle upon such street, except persons who have business or who reside within such area; any such person shall exercise the greatest care when driving upon any such play street.

(`88 Code, § 12-30) Penalty, see § 70.99

§ 70.25 SCHOOL ZONES.

Whenever authorized signs are placed designating any street or part thereof as a school zone, drivers of motor vehicles using such street or part thereof shall

exercise the greatest care for the protection of children.

(`88 Code, § 12-31)

§ 70.26 TRAFFIC-CONTROL SIGNAL LEGEND.

Whenever traffic is controlled by traffic-control signs exhibiting the words "Go," "Caution" or "Stop" or exhibiting differently colored lights successively, the following colors only shall be used, and such terms and lights shall indicate as follows:

(A) *Green alone or "Go."*

(1) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign prohibits either such turn, but vehicular traffic shall yield the right-of-way to other vehicles and to pedestrians already within the intersection.

(2) Pedestrians facing the signal may proceed across the roadway within the crosswalk area, whether marked or not.

(B) *Yellow alone or "Caution," when shown following the green or "Go" signal.*

(1) Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection, but if such stop cannot be made in safety, a vehicle may be driven cautiously through the intersection.

(2) Pedestrians facing such signal are thereby warned that there will not be sufficient time to safely cross the roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.

(C) *Red alone or "Stop."* Vehicles facing a red light from a steady or strobe beam stoplight shall not enter the intersection while the steady or strobe beam stoplight is emitting a red light; provided that, except where prohibited by an appropriate sign, vehicular

traffic facing a red light, after coming to a complete stop at the intersection, may enter the intersection to make a right turn but such vehicle shall yield the right-of-way to pedestrians and to other traffic using the intersection. When the stoplight is emitting a steady yellow light, vehicles facing the yellow light are warned that a red light will be immediately forthcoming. When the stoplight is emitting a steady green light, vehicles may proceed with due care through the intersection subject to the rights of pedestrians and other vehicles as may otherwise be provided by law.

(D) *Red with green arrow.*

(1) Vehicular traffic facing such signal may cautiously enter the intersection and continue the movement in the direction indicated by such arrow, but shall not interfere with other traffic.

(2) No pedestrian facing such signal shall enter the roadway unless he or she can do so without interfering with vehicular traffic.

(`88 Code, § 12-32) Penalty, see § 70.99

§ 70.27 FLASHING SIGNALS.

Whenever flashing red or yellow signals are used, they shall require obedience by vehicular traffic as follows:

(A) *Flashing red (stop signal).* When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at any intersection or at a limit line when marked, and the right to proceed shall be subject to the rules of safety and noninterference with other traffic.

(B) *Flashing yellow (caution signal).* When a yellow lens is illuminated by rapid intermittent flashes, drivers of vehicles may proceed through the intersections or pass such signal only with caution.

(`88 Code, § 12-33) Penalty, see § 70.99

ADMINISTRATION AND ENFORCEMENT**§ 70.40 AUTHORITY OF POLICE DEPARTMENT TO HANDLE CERTAIN OFFENSES.**

The Police Department is authorized to accept a plea of guilty and to otherwise handle the following traffic violations within the city:

- (A) Parking over the allowed time;
- (B) Parking between 9:00 a.m. and 6:00 p.m., except on Sundays and legal holidays;
- (C) Parking more than 12 inches from the curb;
- (D) Parking within 25 feet of a street corner;
- (E) Parking within 15 feet of a fire hydrant;
- (F) Parking in a nonparking space;
- (G) Illegal use of loading zones, bus stops and taxi stands;
- (H) Parking at the entrance of an alley or driveway;
- (I) Parking on the left side of a curb;
- (J) Double parking.

(`88 Code, § 12-8)

§ 70.41 CITATION; WARRANT.

Any person cited by the police officers of the city for the commission of any of the offenses listed in § 70.40 may submit a plea of guilty to the charged traffic violation and tender the sum provided for in § 70.42 for such violation. If the person so cited does not submit a plea of guilty to the traffic violation shown in the citation, then a warrant shall be sworn out by a member of the Police Department, and the person charged with such violation shall be tried upon such warrant in the district court.

(`88 Code, § 12-9)

§ 70.42 PAYMENT OF FINES.

Any person pleading guilty to any of the offenses listed in § 70.40 shall pay the amount specified on a list maintained in the Police Department as payment for such violation.

(`88 Code, § 12-10)

§ 70.43 IMPOUNDMENT OF VEHICLES AUTHORIZED.

(A) Whenever a police officer finds a motor vehicle that has been wrecked or disabled upon the public streets or ways of the city or upon city property or that may have been parked in violation of a city ordinance or state law, the officer shall have the vehicle towed from the area. If the owner or operator of the vehicle is present at the time the vehicle is to be towed, he or she may call a wrecker company of his or her choice, and in such case, the provisions of this section shall not apply. However, if the owner or operator of the vehicle is not present or does not state a preference for a certain wrecker company, the police officer at the scene shall have an appropriate wrecker dispatched to remove the vehicle to any destination within the city limits which is requested.

(B) A police officer may have a vehicle removed to a storage area or garage if the vehicle has been parked in a prohibited parking area in violation of a city ordinance or state law.

(C) Vehicles removed to a wrecker storage lot or garage or to a police storage lot shall be held until claimed by the legal owner or otherwise disposed of as provided by this section.

(`88 Code, § 12-109)

§ 70.44 NOTIFICATION TO OWNER; SALE OF UNCLAIMED VEHICLES.

(A) It shall be the duty of the Chief of Police, or his or her designee, to advise the owner of the vehicle of the removal of the vehicle and the place of the removal. The owner shall be construed to be the registered owner as shown by the records of the state of its registration. Notice shall be given to the owner in conformity with G.S. § 20-219.11. If the owner of

such vehicle cannot be ascertained, the Chief of Police shall advertise within five days after such vehicle is stored or impounded, once in a newspaper of general circulation in the city, the fact that the vehicle is stored or impounded, describing the same and setting forth the reasons therefor.

(B) If, at the expiration of 30 days from the date of storing or impounding of such vehicle the rightful owner thereof has not claimed the vehicle and paid the charges herein provided, the wrecker owner shall advertise and sell such vehicle pursuant to the laws of this state (G.S. § 20-77 and Chapter 44A, Article I), governing storage charges insofar as the same are applicable to the vehicles to be sold for the towing and storage charges thereon.

(`88 Code, § 12-110)

§ 70.45 APPLICABILITY.

The provisions of §§ 70.43 and 70.44 shall be applicable to wrecker and tow-in services which are authorized by the city and the request is made by a police officer in the regular scope of his or her employment.

(`88 Code, § 12-111)

§ 70.46 APPEAL PROCEDURES.

An appeal from any decision of the Police Department relative to wrecker service or towing may be taken by any person or company aggrieved thereby. The procedure of appeal shall be explained by the police officer or Department and shall be as set forth in G.S. Chapter 20, Article 7A, §§ 20-219.9 through 20-219.14.

(`88 Code, § 12-112)

§ 70.99 PENALTY.

If any person shall violate an ordinance regulating the operation or parking of vehicles, he or she shall be responsible for an infraction and shall be required to pay a penalty of not more than \$50.

(G.S. § 14-4(b))

CHAPTER 71: TRAFFIC REGULATIONS

Section

- General Regulations*
- 71.01 Boarding or alighting from vehicles
 - 71.02 Unlawful riding
 - 71.03 Jumping on or riding without permission
 - 71.04 Protruding from or hanging onto vehicle
 - 71.05 Limit on persons in front seat
 - 71.06 Vehicle left with motor running
 - 71.07 Muffler
 - 71.08 Use of horn
 - 71.09 Through trucks prohibited on East Side Drive
 - 71.10 Stop before entering a through street
 - 71.11 Stop before entering stop intersection
 - 71.12 One-way streets
 - 71.13 Obstruction of intersections or crosswalks
 - 71.14 Driving through funeral processions
 - 71.15 Left turns
 - 71.16 Right or left turns prohibited at certain intersections
 - 71.17 U-turns in business district
 - 71.18 Limitations on backing
 - 71.19 Emerging from alley or private driveway
 - 71.20 Vehicles not to be driven within sidewalk areas
 - 71.21 Moving cars from parked positions
 - 71.22 Speed never to be greater than reasonable and prudent under existing conditions
 - 71.23 Maximum speeds
 - 71.24 Driving on roadways laned for traffic

Bicycles, Motorcycles and Toy Vehicles

- 71.40 Clinging to moving vehicles
- 71.41 Riding on handlebars and the like

- 71.42 Cycle rider to use handlebars; bicycle riding on sidewalks
- 71.43 Coaster, roller skates and the like
- 71.44 Riding on sidewalks in business section

GENERAL REGULATIONS

§ 71.01 BOARDING OR ALIGHTING FROM VEHICLES.

No person shall board or alight from any public conveyance or other vehicle while such conveyance or vehicle is in motion.
(`88 Code, 12-11) Penalty, see § 70.99

§ 71.02 UNLAWFUL RIDING.

No person shall ride on any public conveyance or vehicle not designated or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty nor to persons riding within truck bodies in spaces intended for merchandise.
(`88 Code, § 12-12) Penalty, see § 70.99

§ 71.03 JUMPING ON OR RIDING WITHOUT PERMISSION.

No person shall enter, jump on or ride any automobile or other vehicle without the consent of the owner or driver.
(`88 Code, § 12-13) Penalty, see § 70.99

§ 71.04 PROTRUDING FROM OR HANGING ONTO VEHICLE.

No person shall allow any part of his or her body to protrude beyond the limits of the vehicle in which he or she is riding, except to give such signals as are by law required; no person shall hang onto any vehicle whatsoever.

(`88 Code, § 12-14) Penalty, see § 70.99

§ 71.05 LIMIT ON PERSONS IN FRONT SEAT.

It shall be unlawful for the driver or the person in charge of any motor vehicle to permit more than three persons, including the driver, to ride in the front or driver's seat of a motor vehicle.

(`88 Code, § 12-15) Penalty, see § 70.99

§ 71.06 VEHICLE LEFT WITH MOTOR RUNNING.

It shall be unlawful for the driver of any motor vehicle to leave the vehicle on the streets of the city with the engine or power of the vehicle running or otherwise in operation.

(`88 Code, § 12-15) Penalty, see § 70.99

§ 71.07 MUFFLER.

No person shall operate a motor vehicle with a muffler cut out or without a muffler in constant operation.

(`88 Code, § 12-16) Penalty, see § 70.99

§ 71.08 USE OF HORN.

No horn or other warning device upon any motor vehicle shall be used except when necessary as a warning device.

(`88 Code, § 12-17) Penalty, see § 70.99

§ 71.09 THROUGH TRUCKS PROHIBITED ON EAST SIDE DRIVE.

Trucks weighing five tons or more shall be prohibited from traveling on East Side Drive except when servicing houses or lots on that street.

(`88 Code, § 12-18) (Ord. 0-80-7, passed 6-10-80) Penalty, see § 70.99

§ 71.10 STOP BEFORE ENTERING A THROUGH STREET.

When stop signs are placed upon highways which intersect a through street, the driver shall bring his or her vehicle to a stop before entering the intersection and he or she shall not proceed into or across the through street until he or she has first determined that no conflict with traffic will ensue.

(`88 Code, § 12-51)

§ 71.11 STOP BEFORE ENTERING STOP INTERSECTION.

When stop signs are placed at stop intersections, every driver of a vehicle shall stop before entering the intersection, and he or she shall not proceed into or across the through street until he or she has first determined that no conflict with traffic will ensue.

(`88 Code, § 12-52) Penalty, see § 70.99

§ 71.12 ONE-WAY STREETS.

Upon streets designated as one-way streets, vehicular traffic shall move only in the direction indicated by traffic signs.

(`88 Code, § 12-53) Penalty, see § 70.99

§ 71.13 OBSTRUCTION OF INTERSECTIONS OR CROSSWALKS.

No driver shall move his or her vehicle across an intersection or a marked crosswalk unless there is

sufficient space on the other side of the intersection or crosswalk to accommodate his or her vehicle without obstructing the passage of other vehicles or pedestrians, although a traffic-control signal may be indicating his or her right to proceed.

(`88 Code, § 12-54) Penalty, see § 70.99

§ 71.14 DRIVING THROUGH FUNERAL PROCESSIONS.

No vehicle shall be driven through a funeral procession except Fire Department vehicles, police patrols and ambulances, which may be so driven only if they are responding to calls.

(`88 Code, § 12-55) Penalty, see § 70.99

§ 71.15 LEFT TURNS.

In making left turns at street intersections, all traffic when approaching the intersection shall keep close to the centerline of the street, shall make the left turn beyond the center of the intersection as may or may not be indicated by buttons, markers or other directing signs and shall proceed in the new direction along the right-hand lane, except for intersections which may otherwise be marked by the city.

(`88 Code, § 12-56) Penalty, see § 70.99

Statutory reference:

Operation of vehicles and rules of the road, see G.S. §§ 20-138.1 et seq.

§ 71.16 RIGHT OR LEFT TURNS PROHIBITED AT CERTAIN INTERSECTIONS.

No vehicle shall make a left or right turn at any intersection when there are signs erected prohibiting such a turn.

(`88 Code, § 12-57) Penalty, see § 70.99

§ 71.17 U-TURNS IN BUSINESS DISTRICT.

No driver shall turn any vehicle and proceed in the opposite direction within the business district, except at certain street intersections as authorized.

(`88 Code, § 12-58) Penalty, see § 70.99

§ 71.18 LIMITATIONS ON BACKING.

The driver of a vehicle shall not back it into any intersection or over a crosswalk, nor shall he or she back it otherwise unless such movement can be made in safety and unless ample warning has been given by hand and horn or other signal.

(`88 Code, § 12-59) Penalty, see § 70.99

§ 71.19 EMERGING FROM ALLEY OR PRIVATE DRIVEWAY.

The driver of a vehicle emerging from an alley, driveway or building shall stop the vehicle immediately prior to reaching the sidewalk or the sidewalk areas extending across any alleyway and shall proceed only with caution and after giving ample warning. Upon entering the roadway, he or she shall yield the right-of-way to all vehicles approaching on the roadway.

(`88 Code, § 12-60) Penalty, see § 70.99

§ 71.20 VEHICLES NOT TO BE DRIVEN WITHIN SIDEWALK AREAS.

The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.

(`88 Code, § 12-61) Penalty, see § 70.99

§ 71.21 MOVING CARS FROM PARKED POSITIONS.

Parked cars shall move out in the direction headed or if they are parked at an angle with the curb, they shall back out at that angle until they have cleared the other cars and shall then proceed in the direction they are most nearly headed in.

(`88 Code, § 12-67) Penalty, see § 70.99

§ 71.22 SPEED NEVER TO BE GREATER THAN REASONABLE AND PRUDENT UNDER EXISTING CONDITIONS.

No person shall drive a vehicle on a highway or on any parking lot, drive, driveway, road, roadway, street or alley upon the grounds and premises of any

public or private hospital, college, university, benevolent institution, school, orphanage, church or any institution maintained and supported by the city, county or state, or upon the grounds and premises of any service station, drive-in theater, supermarket, store, restaurant, office building or any other business or municipal establishment providing parking space for customers, patrons or the public at a speed greater than is reasonable and prudent under the conditions then existing.

(`88 Code, 12-68) Penalty, see § 70.99

Statutory reference:

Speed restrictions and authority of city to impose certain speed limits, see G.S. §§ 20-141, 20-144, 20-145, 20-169

§ 71.23 MAXIMUM SPEEDS.

Except as otherwise provided by official traffic-control signs in places along the streets and as indicated on the official traffic maps, it shall be unlawful to drive a vehicle in excess of the following speeds:

(A) Twenty miles per hour in any business district.

(B) Thirty-five miles per hour in any residential district.

(C) Forty-five miles per hour in places other than those named in divisions (A) and (B) for:

(1) All vehicles other than passenger cars, regular passenger vehicles, pickup trucks of less than one-ton capacity and school buses loaded with children; and

(2) All vehicles, of whatever kind, which are engaged in towing, drawing or pushing another vehicle; provided, that this subsection shall not apply to vehicles engaged in towing, drawing or pushing trailers with a gross weight of not more than 3,000 pounds.

(D) Fifty-five miles per hour in places other than those named in divisions (A) and (B) for passenger

cars, regular passenger-carrying vehicles and pickup trucks of less than one-ton capacity.

(`88 Code, § 12-69) Penalty, see § 70.99

§ 71.24 DRIVING ON ROADWAYS LANED FOR TRAFFIC.

All vehicles operated on any roadway which has been clearly marked with traffic lanes shall be driven as nearly as practical entirely within a single lane and shall not be moved out of such lane until the driver has first ascertained that such movement can be made with safety.

(`88 Code, § 12-70) Penalty, see § 70.99

BICYCLES, MOTORCYCLES AND TOY VEHICLES

§ 71.40 CLINGING TO MOVING VEHICLES.

No person riding upon any bicycle, motorcycle, coaster, sled, roller skates or toy vehicle shall attach it or him or herself to any public conveyance or moving vehicle upon any roadway.

(`88 Code, § 12-62) Penalty, see § 70.99

§ 71.41 RIDING ON HANDLEBARS AND THE LIKE.

The operator of a motorcycle or bicycle on a street shall not carry any person upon the handlebars, frame or tank of his or her vehicle, nor shall any person so ride upon any such vehicle.

(`88 Code, § 12-63) Penalty, see § 70.99

§ 71.42 CYCLE RIDER TO USE HANDLEBARS; BICYCLE RIDING ON SIDEWALKS.

No person shall ride a bicycle or motorcycle on any street without having his or her hands on the handlebars; nor shall any person ride a bicycle upon any sidewalk or walkway.

(`88 Code, § 12-64) Penalty, see § 70.99

§ 71.43 COASTERS, ROLLER SKATES AND THE LIKE.

No person on roller skates or riding in any coaster, toy vehicle or similar device shall go upon any roadway other than a street set aside as a play street, unless it be while crossing a street at a crosswalk or intersection.

(`88 Code, § 12-65) Penalty, see § 70.99

§ 71.44 RIDING ON SIDEWALKS IN BUSINESS SECTION.

(A) It shall be unlawful for any person to ride or operate any bicycle, motorcycle, scooter or any other riding device or vehicle of any type whatsoever on the sidewalks in the business section of the city.

(B) The business section of the city shall be and is defined to be that part of the city which has been laid out as business section by the zoning ordinance adopted by the Mayor and City Council.

(`88 Code, § 12-66) Penalty, see § 70.99

CHAPTER 72: STOPPING, STANDING AND PARKING

Section

General Provisions

- 72.01 Vehicles not to stop in streets; exceptions
- 72.02 Obstructing passage
- 72.03 Stopping, standing or parking in specified places
- 72.04 Moving of vehicle not owned by oneself into restricted area
- 72.05 Parking in designated places
- 72.06 Parking restricted in certain places
- 72.07 Parking prohibited during certain hours
- 72.08 Parking limited to two hours
- 72.09 Parking limited to one hour
- 72.10 Parking limited to ten minutes
- 72.11 Parking stands for buses and vehicles for hire
- 72.12 Manner of parking parallel
- 72.13 Left side to curb
- 72.14 Within lines
- 72.15 Unlawful standing or parking
- 72.16 Parking for persons with disabilities
- 72.17 Parking lot established at lot adjacent to municipal building
- 72.18 Free parking in Hancock Street Parking Lot

Regulation of Parking on Private Property

- 72.30 Authorized
- 72.31 Application
- 72.32 Signs
- 72.33 Compliance with signs required
- 72.34 Enforcement

GENERAL PROVISIONS

§ 72.01 VEHICLES NOT TO STOP IN STREETS; EXCEPTION.

No vehicle shall stop in any street except for the purpose of parking as prescribed in this chapter, unless such stop is made necessary by the approach of fire apparatus, an ambulance or a funeral or other procession which is given right-of-way by the stopping of a public conveyance; by the lowering of railway gates; by being given countermanding traffic signals; or by the passing of some other vehicle or a pedestrian or by some emergency. In all the cases covered by these exceptions, the vehicles shall stop so as not to obstruct any footway, pedestrian aisle, safety zone, crossing or street intersection if it can be avoided.

(`88 Code, § 12-91) Penalty, see § 70.99

Statutory reference:

Stopping on highway prohibited, see G.S. § 20-161

§ 72.02 OBSTRUCTING PASSAGE.

No vehicle shall so stand on any street as to interrupt or interfere with the passage of public conveyance or other vehicles.

(`88 Code, § 12-92) Penalty, see § 70.99

§ 72.03 STOPPING, STANDING OR PARKING IN SPECIFIED PLACES.

No person shall stop, stand or park a vehicle except when conflict with other traffic is imminent or when so directed by a police officer or traffic-control device in any of the following places:

(A) On a sidewalk.

(B) Within an intersection.

(C) On a crosswalk.

(D) Within 30 feet of any flashing beacon, stop sign or traffic-control signal located at the side of a street or roadway.

(E) On either side of any street leading to a railroad underpass or an overhead bridge within 50 feet in any direction of the outer edge of such underpass or overhead bridge.

(F) On either side of any street leading to a grade crossing within 50 feet of the closest rail; provided, that where existing permanent structures are located closer than 50 feet, parking may be permitted in front of such structures unless otherwise prohibited, and if such parking does not block the view in either direction of the approach of a locomotive or train.

(G) Alongside or opposite any street excavation or obstruction if the stopping, standing or parking would obstruct traffic.

(H) Upon any bridge or other elevated structure or within any underpass structure.

(I) On the roadway side of any vehicle stopping, standing or parking at the edge or curb of a street.

(J) Within 15 feet of any fire plug or hydrant.
(`88 Code, § 12-93) Penalty, see § 70.99

Statutory reference:

Similar provisions, see G.S. § 20-162

§ 72.04 MOVING OF VEHICLE NOT OWNED BY ONESELF INTO RESTRICTED AREA.

No person shall move a vehicle not owned by him or herself into any prohibited area or sufficiently away from a curb to make the distance unlawful.

(`88 Code, § 12-94) Penalty, see § 70.99

§ 72.05 PARKING IN DESIGNATED PLACES.

When signs are placed prohibiting parking or when the curbing has been painted yellow in lieu of such signs, no person shall park a vehicle at any time upon any of the streets so marked.

(`88 Code, § 12-95) Penalty, see § 70.99

§ 72.06 PARKING RESTRICTED IN CERTAIN PLACES.

(A) Vehicular parking shall be prohibited in the areas described in this section in order to reduce the hazards associated with sight obstructions resulting from parked vehicles to:

(1) Prohibit vehicular parking within the right-of-way on the south side of U.S. 74 beginning at the point of intersect at the southwestern corner of the Walnut Lane, U.S. 74 intersection proceeding westward along the U.S. 74 southern right-of-way line to a point 170 feet from the beginning.

(2) Prohibit vehicular parking adjacent to the curbline of U.S. 1 South on the west side of U.S. 1 at the intersection of Midway Road for a distance of 75 feet north of the point of intersect;

(3) Prohibit vehicular parking on both sides of Biltmore Drive from the intersection of U.S. 74 to Cabell Boulevard.

(B) No person shall stop, leave standing or park a motor vehicle in the areas specified in this section in violation of posted signs, when signs are placed, erected or installed giving notice that stopping, standing or parking is regulated, prohibited or prohibited during certain hours, in that space or area.

(C) The provisions of this section shall be enforceable in the same manner as is used to enforce other parking regulations and ordinances, and penalties shall be the same as for the corresponding violation on publicly-owned or controlled streets or property.

(`88 Code, § 12-96) (Ord. 0-82-6, passed 8-10-82) Penalty, see § 70.99

§ 72.07 PARKING PROHIBITED DURING CERTAIN HOURS.

When signs so indicating are placed in certain streets, no person shall park a vehicle between the hours of 12:00 a.m. and 7:00 a.m. upon any of the streets so marked; provided, that this section shall not apply to automobiles or other vehicles if their owners are at work in the building or on the premises near which such vehicles are parked.

(`88 Code, § 12-99) Penalty, see § 70.99

§ 72.08 PARKING LIMITED TO TWO HOURS.

When signs so indicating are placed in certain streets, no person shall park a vehicle for longer than two hours at any time between the hours of 6:00 a.m. and 6:30 p.m. on any day except Sundays and public holidays upon any of the streets so marked. A change of position of vehicle from one point directly to another point within the same block shall be deemed one continuous parking period.

(`88 Code, § 12-98) Penalty, see § 70.99

§ 72.09 PARKING LIMITED TO ONE HOUR.

When signs so indicating are placed in certain streets, no person shall park a vehicle for longer than one hour at any time between the hours of 9:00 a.m. and 7:00 p.m. on any day except Sundays and public holidays on any of the streets so marked. A change of position of a vehicle from one point directly to another point within the same block shall be deemed one continuous parking period.

(`88 code, § 12-99) Penalty, see § 70.99

§ 72.10 PARKING LIMITED TO TEN MINUTES.

When signs so indicating are placed in certain streets, no person shall park a vehicle for longer than ten minutes at any time upon any streets so marked. A change of position of vehicle from one point directly to another point within the same block shall be deemed one continuous parking period.

(`88 Code, § 12-100) Penalty, see § 70.99

§ 72.11 PARKING STANDS FOR BUSES AND VEHICLES FOR HIRE.

Certain locations shall be reserved as stands for buses and vehicles for hire; no automobile or other vehicle other than those so designated shall park at such stands.

(`88 Code, § 12-101) Penalty, see § 70.99

§ 72.12 MANNER OF PARKING PARALLEL.

Where not otherwise indicated by this chapter, all vehicles shall park parallel to the curb and not more than 12 inches therefrom.

(`88 Code, § 12-102) Penalty, see § 70.99

§ 72.13 LEFT SIDE TO CURB.

No vehicle shall park with its left side to the curb in the business district, except on one-way streets.

(`88 Code, § 12-103) Penalty, see § 70.99

§ 72.14 WITHIN LINES.

On any street marked with lines indicating the parking spaces for cars, cars shall be parked between such lines.

(`88 Code, § 12-104) Penalty, see § 70.99

§ 72.15 UNLAWFUL STANDING OR PARKING.

No person shall stand or park a vehicle on any street for the principal purpose of:

(A) Displaying it for sale.

(B) Washing, greasing or repairing it, excepting repairs necessitated by an emergency.

(C) Storage.

(D) Storage of any detached trailer or van when the towing unit has been disconnected.

(E) Transferring merchandise or freight from one vehicle to another.

(F) Advertising.
(`88 Code, § 12-105) Penalty, see § 70.99

§ 72.16 PARKING FOR PERSONS WITH DISABILITIES.

(A) The City Manager shall designate certain parking spaces on city streets and in city owned or operated parking lots for the exclusive use of persons with disabilities.

(B) No vehicles shall be parked in such spaces other than those used by and for persons with disabilities, and violations hereof shall be punishable as for illegal parking.
(`88 code, § 12-106) (Ord. 0-80-2, passed 2-12-80)
Penalty, see § 70.99

Statutory reference:

Parking for persons with disabilities, see G.S. § 20-37.6

§ 72.17 PARKING LOT ESTABLISHED AT LOT ADJACENT TO MUNICIPAL BUILDING.

(A) Under authority granted by G.S. § 160A-301(b) and the Charter, the lot owned by the city adjacent to the municipal building is designated an off-street parking facility. The City Manager shall have the following action taken as deemed necessary with regard to such parking facility:

(1) Lay off designated spaces and reserve the same for the use of city officials, employees and police officers;

(2) Lay off and reserve spaces for use of the general public making short visits to the municipal building; and

(3) Lay off and reserve spaces for rental to the general public. Fees shall be imposed and charges made for these spaces through meters, term rentals or any other feasible means and at charges and fees to be established by the City Manager.

(B) It shall be unlawful to park any vehicle in any reserved space without proper authorization; it

shall be unlawful to park any vehicle in any rental space without paying the established fee or charge.

(C) Violation of this section shall be punishable as a misdemeanor as provided by G.S. section 14-4.
(`88 Code, § 12-107)

§ 72.18 FREE PARKING IN HANCOCK STREET PARKING LOT.

The off-street parking lot located between Hancock and Lawrence Streets and known as the Hancock Street Parking Lot is designated for free parking with a two-hour time limit from 8:00 a.m. until 5:00 p.m., excluding Sundays and holidays. Appropriate signs shall be erected stating the same, and the Police Department shall enforce the two-hour limit by the marking of tires.
(`88 Code, § 12-108)

REGULATION OF PARKING AND PRIVATE PROPERTY

§ 72.30 AUTHORIZED.

Upon the written request of the owner or person in general charge of the operation and control of any parking areas or driveways of a privately-owned hospital, shopping center, apartment house, condominium complex, commercial office complex or other privately owned public vehicular area, as defined in G.S. § 20-4.01(32), the city may regulate or prohibit during specified hours the stopping, standing or parking of motor vehicles.
(`88 Code, § 12-121) (Ord. 0-80-10, passed 8-12-80)

§ 72.31 APPLICATION.

The owner or person in general charge of the operation and control of the property must submit the request for regulation in writing on application forms available from the City Clerk.
(`88 Code, § 12-122) (Ord. 0-80-10, passed 8-12-80)

§ 72.32 SIGNS.

(A) The cost of erecting, placing or installing signs and the cost of all necessary signs, as determined by the Chief of Police, shall be paid by the person requesting regulations.

(B) All signs erected must be approved prior to placement or the applicant may request that the city place the signs upon payment by the applicant of all costs.

(`88 Code, § 12-123) (Ord. 0-80-10, passed 8-12-80)

**§ 72.33 COMPLIANCE WITH SIGNS
REQUIRED.**

No person shall stop, leave standing or park a motor vehicle in the areas specified in this section in violation of posted signs, when signs are placed, erected or installed giving notice that stopping, standing or parking is regulated or prohibited during certain hours in that space or area. (`88 Code, § 12-124) (Ord. 0-80-10, passed 8-12-80) Penalty, see § 70.99

§ 72.34 ENFORCEMENT.

The provisions of this chapter shall be enforceable in the same manner as is used to enforce other parking regulations and ordinances, and penalties shall be the same as for the corresponding violation on publicly owned or controlled streets or property.

(`88 Code, § 12-125) (Ord. 0-80-10, passed 8-12-80)

