

CHAPTER 20. TRAFFIC AND MOTOR VEHICLES*

ARTICLE I. IN GENERAL

Sec. 20-101. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley shall mean a thoroughfare through the middle of a block.

Authorized emergency vehicle shall mean 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 shall mean every device propelled by human power upon which any person may ride, having two (2) tandem wheels either of which is over twenty (20) inches in diameter.

Commercial vehicle shall mean every vehicle designed, maintained or used primarily for the transportation of property.

Crosswalk shall mean that 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 shall mean 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 shall mean 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 shall mean 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 act.

Intersection shall mean the area embraced within the prolongation of the lateral curblines, or, if none, then the lateral edge of the roadway lines of the two (2) highways which join one another

* **Cross references**-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, § 19-351 et seq.; traffic, App. B.

State law references-Motor vehicles, G.S. Ch. 20; motor vehicles and traffic in municipalities, G.S. § 160A-300 et seq.

at any angle whether or not one (1) such roadway crosses the other. Where a highway includes two (2) roadways thirty (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 (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

Motorcycle shall mean every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) 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(27)(d1) and 105-164.3.

Motor vehicle shall mean 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. section 20-4.01. This definition shall not apply to article XII, "Abandoned, Nuisance and Junked Motor Vehicles," of this chapter.

Official traffic-control devices shall mean 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 shall mean 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 shall mean any person afoot.

Police officer shall mean 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 shall mean every road or driveway not open to the use of the public as a matter of right for the purpose of vehicular traffic.

Railroad shall mean a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

Railroad train shall mean a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

Right-of-way shall mean the privilege of the immediate use of the roadway.

Roadway shall mean that 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 (2) 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 shall mean a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

Sidewalk shall mean that 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, when required shall mean complete cessation of movement.

Stop, stopping or standing, when prohibited shall mean 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 shall mean 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 shall mean a car other than a railroad train for transporting persons or property and operated upon rails principally within a municipality.

Traffic shall mean 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 shall mean any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

Traffic division shall mean 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 shall mean 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 miles per hour 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 shall mean 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 shall mean 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 shall mean a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

Zone, safety shall mean 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, § 1-1,02.

State law reference- definitions, G.S. 20-4.01.

Secs. 20-102 - 20-199. Reserved.

ARTICLE II. ADMINISTRATION*

Sec. 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.

Sec. 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 city 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)

Sec. 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 North Carolina Department of Cultural Resources.

(b) All such records and reports shall be public records.
(Code 1976, § 7.18)

Sec. 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)

Sec. 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)

* **Cross reference**-Administration, Ch. 2.

Sec. 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)

Sec. 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 (5) years and in accordance with the Municipal Record Retention and Disposition Schedule published by the North Carolina Department of Cultural Resources.
(Code 1976, § 7.22)

Sec. 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 manager.

Sec. 20-209. Traffic division to designate method of identifying funeral processions.

Repealed.

State law reference-funeral processions, G.S. 20.157.1.

Secs. 20-210 - 20-299. Reserved.

ARTICLE III. ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

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

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

Sec. 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)

Sec. 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 chapter which by their very nature can have no application.

(Code 1976, § 7.29)

Cross reference-Animals, Ch. 4.

State law reference-Similar provisions, G.S. § 20-171.

Sec. 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)

Sec. 20-305. Public employees to obey traffic regulations.

In accordance with G.S. § 20-168, the provisions of this chapter 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 chapter, except as otherwise permitted in this chapter or by state statute.

(Code 1976, § 7.31)

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

Sec. 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/she does not endanger life or property;

(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/her reckless disregard for the safety of others.

(Code 1976, § 7.32)

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

State law references-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).

Secs. 20-307 - 20-399. Reserved.

ARTICLE IV. TRAFFIC-CONTROL DEVICES*

Sec. 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)

Sec. 20-402. Specifications for traffic-control devices.

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

(Code 1976, § 7.35)

Sec. 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 chapter and State law, unless otherwise directed by a police officer or other authorized emergency personnel, subject to the exceptions granted the driver of an authorized emergency vehicle by section 20-306(c) and G.S. § 20-156.

(Code 1976, § 7.36)

Sec. 20-404. When traffic devices required for enforcement purposes.

No provision of this chapter 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)

Sec. 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.

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

(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)

Sec. 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)

Sec. 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)

State law reference-control over streets, G.S. § 160A-296.

Sec. 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)

Secs. 20-409 - 20-499. Reserved.

ARTICLE V: SPEED REGULATIONS*

Sec. 20-501. Generally.

(a) Except as otherwise provided in this article, it shall be unlawful to operate a vehicle in excess of thirty-five (35) miles per hour 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)

Sec. 20-502. Exceptions.

(a) 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:

- (1) Twenty (20) miles per hour (Appendix B, section 214);
- (2) Twenty-five (25) miles per hour (Appendix B, section 215);
- (3) Thirty (30) miles per hour (Appendix B, section 216);
- (4) Forty (40) miles per hour (Appendix B, section 217);
- (5) Forty-five (45) miles per hour (Appendix B, section 218);
- (6) Fifty (50) miles per hour (Appendix B, section 219);
- (7) Fifty-five (55) miles per hour (Appendix B, section 220).

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 (20) miles per hour (Appendix B, section 221);
- (2) Twenty-five (25) miles per hour (Appendix B, section 222);
- (3) Thirty (30) miles per hour (Appendix B, section 223);

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

(4) Forty (40) miles per hour (Appendix B, section 224);

(5) Forty-five (45) miles per hour (Appendix B, section 225);

(6) Fifty (50) miles per hour (Appendix B, section 226);

(7) Fifty-five (55) miles per hour (Appendix E, section 227).

(Code 1976, § 7.46; Ord. No. 24-2004, 9-20-04; Ord. No. 28-2004, 10-18-04)

Cross reference-Power of local authority to set higher or lower speed limits, G.S. § 20-141(e).

Secs. 20-503 - 20-599. Reserved.

ARTICLE VI. TURNING*

Sec. 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)

Sec. 20-602. Authority to place restricted turn signs.

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. 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. Restrictions on turning movements shall be as specified in Appendix B, sections 210 through 213, hereby incorporated herein.

(Code 1976, § 7.49)

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

Sec. 20-603. Obedience to no-turn signs.

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

(Code 1976, § 7.50)

Sec. 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)

Secs. 20-605 - 20-699. Reserved.

* **State law 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.

ARTICLE VII. ONE-WAY STREETS AND ALLEYS*

Sec. 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)

Sec. 20-702. One-way streets and alleys.

Upon those streets and parts of streets and in those alleys described in Appendix B, section 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)

Secs. 20-703 - 20-799. Reserved.

* State law reference-Traffic control, G.S. § 160A-300.

ARTICLE VIII. DRIVING RULES

Sec. 20-801. Following fire apparatus.

It shall be unlawful to follow any fire apparatus which is responding to a call, by auto· mobile or any other vehicle, unless such is used for transporting firemen to the scene of fire, at a distance closer than one (1) city 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)

Cross reference-Fire protection and prevention, Ch. 10, especially 10-205.

Sec. 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)

Cross reference-Fire protection and prevention, Ch. 10, especially 10-206.

State law reference-Driving over fire hose, G.B. § 20-157(d).

Sec. 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)

State law reference-funeral processions, G.S. § 20-157.1.

Sec. 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)

State law reference-funeral processions, G.S. § 20-157.1.

Sec. 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)

State law reference-funeral processions, G.S. § 20-157.1.

Sec. 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.

Sec. 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)

Sec. 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 (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) 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)

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

Sec. 20-809. Clinging to vehicles.

No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any streetcar or vehicle upon a roadway.
(Code 1976, § 7.70)

Sec. 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 be subject to the civil penalties pursuant to this code.
(Code 1976, § 7.71)

Secs. 20-811-20-899. Reserved.

ARTICLE IX. PEDESTRIANS

Sec. 20-901. Pedestrians subject to traffic-control signals.

Pedestrians shall be subject to traffic-control signals, but 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. Chpt. 20., Art. 3, Part 11, "Pedestrians' Rights and Duties."
(Code 1976, § 7.73)

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

Sec. 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, but 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 section 20-905(b).

(b) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked cross-walk 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)

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

Sec. 20-903. Pedestrians to use right half of crosswalk.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.
(Code 1976, § 7.75)

Sec. 20-904. Crossing at right angles.

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)

Sec. 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 section 20-906 when pedestrians are prohibited from crossing at certain designated places.
(Code 1976, § 7.77)

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

Sec. 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)

State law reference-Crossing at other than crosswalks, G.B. § 20-174(c).

Sec. 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)

Sec. 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)

State law reference-Pedestrians soliciting rides or employment, G.B. § 20-175.

Sec. 20-909. Drivers to exercise due care.

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

- (1) Exercise due care to avoid colliding with any pedestrian upon any roadway;
- (2) Give warning by sounding the horn when necessary;

(3) Exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.
(Code 1976, § 7.81)

Secs. 20-910 - 20-999. Reserved.

ARTICLE X. BICYCLES*

Sec. 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)

Sec. 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)

Sec. 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 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)

Sec. 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 (1) time than the number for which it is designed and equipped.

(Code 1976, § 7.85)

Sec. 20-1005. Riding on roadways and bicycle paths.

* State law reference-Bicycles treated as vehicles, G.S. § 20-4.01(49).

(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 (2) 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)

Sec. 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)

Sec. 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)

Sec. 20-1008. Clinging to vehicles.

No person riding upon any bicycle shall attach the same or himself to any streetcar or vehicle upon a roadway.
(Code 1976, § 7.89)

Sec. 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 (1) hand upon the handlebars.
(Code 1976, § 7.90)

Sec. 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)

Sec. 20-1011. Reserved.

Editor's note-Ord. No. 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. No. 30-2002, adopted Oct. 7, 2002.

Sec. 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 one hundred (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)

Secs. 20-1013 - 20-1099. Reserved.

ARTICLE XI. PARKING, STOPPING OR STANDING*

DIVISION 1. GENERALLY

Sec. 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 eighteen (18) inches of the curb or edge of the roadway except as otherwise provided in this article.

(Code 1976, § 7.94)

Sec. 20-1102. Signs or markings indicating angle parking.

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

(b) 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)

Sec. 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)

Sec. 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 (1) or more lamps which shall exhibit a white light on the roadway side visible from a distance of five hundred (500) feet to the front of the vehicle and a red light visible from a distance of five hundred (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.

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

(c) Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.
(Code 1976, § 7.97)

Secs. 20-1105 - 20-1120. Reserved.

DIVISION 2. PROHIBITED IN SPECIFIED PLACES

Sec. 20-1121. Restricted parking.

The 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.

(a) *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 (8) feet from the curb or edge of the roadway;
- (5) Vehicle shall not protrude beyond the lines of a designated parking place;
- (6) Parking so as to obstruct a sidewalk or crosswalk;
- (7) Double parking;
- (8) Park and remain overnight on any city street in accordance with Section 20-1124.

(a1) *Prohibited in certain places pursuant to State statute.* Pursuant to G.S. § 20-162, no person shall park a vehicle or permit it to stand in the following places:

- (1) Upon a highway in front of a private driveway;
- (2) Within fifteen (15) feet in either direction of a fire hydrant;
- (3) Within fifteen (15) feet in either direction of the entrance to a fire station;
- (4) Within twenty-five (25) feet of the intersection of curb lines or if none, then within fifteen (15) feet of the intersection of property lines at an intersection of highways;

(5) In any area designated as a fire lane, provided, however, that persons loading or unloading supplies or merchandise may park temporarily in a fire land located in a shopping center or mall parking lot as long as the vehicle is not left unattended.

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

Cross reference-Emergency towing, Section 20-1204.

State law reference-parking in front of private driveways, fire lanes, etc., G.S. § 20-162.

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

(c) *Penalty for violation.* If any person shall violate an ordinance (or any section thereof), of this town regulation, he/she shall be responsible for an infraction and shall be required to pay a penalty of ten dollars (\$10.00) to the Town of Maiden within ten (10) days from the time the ticket was written. After ten (10) days, the ticket will be considered past due. Each ticket is a separate offense. At any given time after the ticket is past due, Town Council may choose to have the town attorney pursue litigation.

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

(d) *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/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 ordinance and instructions to such owner when and where to report with reference to such violations. Each owner may, within ten (10) 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 ten dollars (\$10.00) for each violation. If the same is not paid within ten (10) 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.

(e) *Failure to comply with notice attached to vehicle.* If a violator of the restrictions on parking under the laws or ordinances of this town does not appear in response to a notice affixed to such motor vehicle within a period of ten (10) 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/her by telephone, informing him/her of the violation and warning him/her that in the event such a letter or telephone call is disregarded, action will be taken.

(Code 1976, § 7.98; Ord. No. 35-2003, 12-15-03; Ord. No. 9-2006, 3-20-06; Ord. No. 22-2006, 8-7-06)

Sec. 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 (10) feet of the width of the roadway for free movement of vehicular traffic.

(Code 1976, § 7.99)

Sec. 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 (10) 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)

Sec. 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, section 202, hereby made a part hereof.

(Code 1976, § 7.101)

Sec. 20-1125. Parking for certain purposes prohibited.

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

(1) Displaying such vehicle for sale.

(2) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

(Code 1976, § 7.102)

Sec. 20-1126. Parking adjacent to schools.

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

(Code 1976, § 7.103)

Sec. 20-1127. Standing or parking on one-way roadways.

If a highway includes two (2) or more separate roadways and traffic is restricted to one (1) 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)

Sec. 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)

Secs. 20-1129 - 20-1140. Reserved.

DIVISION 3. SPECIAL STOPS

Sec. 20-1141. Intersections where stop required.

The council may determine and designate intersections where particular hazard exists and may determine whether vehicles shall stop at one (1) 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, section 208, hereby made a part hereof.
(Code 1976, § 7.56)

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

Sec. 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 (8) 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 North Carolina Department of Transportation.
(Code 1976, § 7.57)

Sec. 20-1143. Vehicles and streetcars to stop at stop signs.

Pursuant to G.S. § 20-158(b)(5), when stop signs are erected as authorized in this chapter 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)

Sec. 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)

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

Sec. 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 is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

(Code 1976, § 7.60)

Sec. 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 fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed until he can do so safely. 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 fifteen hundred (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.

(b) 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.

(c) 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)

State law reference-Railroad intersections, G.S § 20-142.1

Secs. 20-1147 - 20-1160. Reserved.

DIVISION 4. LOADING AND UNLOADING

Sec. 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 (3) minutes.
(Code 1976, § 7.106)

Sec. 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 pick up 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 thirty (30) minutes.
(Code 1976, § 7.107)

Sec. 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, section 206, hereby made a part hereof.
(Code 1976, § 7.108)

Sec. 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 eighteen (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)

Sec. 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)

Secs. 20-1166 - 20-1180. Reserved.

DIVISION 5. PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS*

Sec. 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)

Sec. 20-1182. Regulations not exclusive.

The provisions of this article 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)

Sec. 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, section 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 of Maiden. 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. No. 14-2000, 5-15-00)

Sec. 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, sections 203 through 205, 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 of Maiden. 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. The towing shall be performed in accordance with section 20-1205.

(Code 1976, § 7.114; Ord. No. 14-2000, 5-15-00)

State law reference-Authority to tow, G.S. § 160A-301(d).

Sec. 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

* State law reference-Parking, G.S. § 160A-301.

regulations shall be effective unless such signs are erected and in place at the time of any alleged offense.

(Code 1976, § 7.115)

Sec. 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 7:30 to 8:30 a.m. and 2:30 to 3:30 p.m. on all regularly scheduled school days.

(Code 1976, § 7.116)

Secs. 20-1187-20-1199. Reserved.

ARTICLE XII. ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES*

Sec. 20-1200. Statutory authority and definitions.

The provisions of this article are authorized pursuant to G.S. §§ 160A-303 and 160A-303.2 (Ord. No. 13-97, 4-7-97)

Sec. 20-1200.1. Administration.

The police department or other designee of the town manager and code enforcement officer of the Town of Maiden 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 code enforcement officer 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 chapter and applicable state laws. Nothing in this article shall be construed to limit the legal authority or powers of the town's police department in enforcing other laws or in otherwise carrying out their duties. (Ord. No. 13-97, 4-7-97)

Sec. 20-1201. Definitions.

For purpose of this article, certain words and terms are defined as herein indicated:

Abandoned vehicle. As provided in G.S. § 160A-303, an abandoned motor vehicle is one that:

- (1) Has been left upon a public street or highway in violation of a law or ordinance prohibiting parking; or
- (2) Is left on property owned or operated by the Town for longer than twenty-four (24) hours; or
- (3) Is left on private property without the consent of the owner, occupant or lessee thereof for longer than two (2) hours; or
- (4) Is left on a public street or highway for longer than seven (7) days;

Authorizing official. The supervisory employee of the police department or the code enforcement officer, respectively, designated to authorize the removal of vehicles under the provision of this article.

* **Cross references**-Garbage and refuse, Ch. 11; nuisances, Ch. 14.

State law reference-Removal and disposal of junked and abandoned motor vehicles, G.S. §§ 160A-303 and 160A-303.2. See also, G.S. 20, Art. 7A, "Post-Towing Procedures."

Junked motor vehicle. As provided 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; or
- (2) Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
- (3) Is more than five (5) years old and appears to be worth less than one hundred dollars (\$100.00).

Motor vehicle means and includes 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; or
- (2) A point of heavy growth of weeds or other noxious vegetation over eight (8) inches in height; or
- (3) A point of collection of pools or ponds or water; or
- (4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor, visible presence; or
- (5) So situated or located that there is a danger of its falling or turning over; or
- (6) One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind; or
- (7) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the town council.

Public nuisance. See chapter 14 of this code, especially section 14-101.

Tow in any of its forms includes the removal of a vehicle by any means, including, but not limited to, towing and the storage of the vehicle.

Tower means the person or corporation who towed the vehicle.

Towing fee means the fee charged for towing and storage.
(Code 1976, § 11-4.11; Ord. No. 8-83, 9-19-83; Ord. No. 10-89,6-19-89; Ord. No. 13-97,4-7-97)

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

Sec. 20-1202. Duty to remove; authority of town to impound; towing at the request of property owner.

It shall be unlawful for any person to abandon a motor vehicle or leave a junked motor vehicle within the town or to park a motor vehicle in violation of any ordinance of the town or of other applicable law. The police department or other designee of the town manager is hereby authorized to remove, tow, impound and, if necessary, dispose of any motor vehicle which is abandoned, junked, parked or left standing in violation of any ordinance of the town or of other applicable laws or regulations. The owner or other person exercising control over any such vehicle shall be responsible for and pay any towing fees, notification costs and related expenses incurred in connection with the enforcement of this article with respect to the subject vehicle.

(a) Abandoned vehicle unlawful; removal authorized.

(1) 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.

(2) Upon a physical investigation, any town police officer or other designee of the town manager may determine that a vehicle is an abandoned vehicle and order the vehicle removed.

(b) Nuisance vehicle unlawful; removal authorized.

(1) 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.

(2) Upon investigation, the code enforcement officer may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle as defined above, and have the violation abated pursuant to chapter 14 of this code.

(c) Junked motor vehicle regulated; removal authorized.

(1) 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.

(2) Subject to the provisions of this section, upon investigation, the code enforcement officer 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:

- a. Protection of property values;
- b. Promotion of tourism and other economic development opportunities;
- c. Indirect protection of public health and safety;
- d. Preservation of the character and integrity of the community; or
- e. Promotion of the comfort, happiness and emotional stability of area residents.

(d) *Exceptions.* If, upon a physical inspection and personal contact by the code enforcement officer, a vehicle that meets the criteria of a junked or abandoned is determined not to be a junk vehicle or an abandoned vehicle, the owner of the property upon which vehicle(s) is located and the owner of the vehicle(s) shall be required to meet the following conditions:

- (1) Vehicle(s) must be fully covered with a manufactured car cover.
- (2) Vehicle(s) must be located on the rear of the property in a place that will be least conspicuous of public view.
- (3) All grass and weed growth around the vehicle(s) must be maintained to the same height as the yard is maintained.
- (4) No more than three (3) such vehicles will be allowed per property.

(e) *Towing at the request of the property owner.* When an abandoned or junked motor vehicle is removed from private property at the request of the owner, lessee or occupant thereof, the person at whose request such vehicle is removed shall be required to pay or otherwise indemnify the town for any expenses incurred by reason of the removal and storage of such vehicle.
(Code 1976, § 11-4.12; Ord. No. 8-83, 9-19-83; Ord. No. 13-97,4-7-97; Ord. No. 27-97, 8-18-97)

Sec. 20-1203. Contracts for towing services; lien.

(a) The town manager is authorized to contract with a responsible person or corporation for towing and storage services pursuant to this section. Such contract shall provide for reasonable fees to be charged for towing and storage of the vehicle. The contractor shall have a lien on the vehicle pursuant to G.S. Chpt. 44A. This section shall apply only to towings by a contractor of the town.

(b) *Notice.* Whenever a vehicle with a valid registration plate or registration is towed by a contractor pursuant to this article, the authorizing person shall immediately notify the last known registered owner of the vehicle of the following:

- (1) A description of the vehicle;
- (2) The place where the vehicle is stored;

- (3) The violation with which the owner is charged, if any;
- (4) The procedure the owner must follow to have the vehicle returned to him; and
- (5) The procedure the owner must follow to request a probable cause hearing on the towing.

If the vehicle has a North Carolina registration plate or registration, notice shall be given to the owner within twenty-four (24) hours prior to the tow; if the vehicle is not registered in this State, notice shall be given to the owner within seventy-two (72) hours prior to the tow. This notice shall, if feasible, be given by telephone. Whether or not the owner is reached by telephone, notice shall be mailed to his last known address unless he or his agent waives this notice in writing.

(c) *Notice when there is no valid registration.* Whenever a vehicle with neither a valid registration plate nor registration is towed as provided in this section, the authorizing person shall make reasonable efforts, including checking the vehicle identification number, to determine the last known registered owner of the vehicle and to notify him of the information listed in subsection (b). Unless the owner has otherwise been given notice, it is presumed that the authorizing person has not made reasonable efforts, as required under this subsection, unless notice that the vehicle would be towed was posted on the windshield or some other conspicuous place at least seven (7) days before the towing actually occurred; except, no pretowing notice need be given if the vehicle impeded the flow of traffic or otherwise jeopardized the public welfare so that immediate towing was necessary. In such cases, the town shall provide notice in accordance with section 20-1205 of this code.

(d) *Right to hearing.* The owner or any other person entitled to claim possession of the vehicle may request in writing a hearing to determine if probable cause existed for the towing. The request shall be filed with the magistrate in the county where the vehicle was towed. If there is more than one magistrate's office in that county, the request may be filed with the magistrate in the warrant-issuing office in the county seat or in any other office designated to receive requests by the chief district court judge. The magistrate shall set the hearing within seventy-two (72) hours of his receiving the request. The owner, the person who requested the hearing if someone other than the owner, the tower, and the person who authorized the towing shall be notified of the time and place of the hearing.

(e) *Attendance at the hearing.* The owner, the tower, the person who authorized the towing, and any other interested parties may present evidence at the hearing. The person authorizing the towing and the tower may submit an affidavit in lieu of appearing personally, but the affidavit does not preclude that person from also testifying.

(f) *Magistrate to determine if probable cause exists.* The only issue at this hearing is whether or not probable cause existed for the towing. If the magistrate finds that probable cause did exist, the tower's lien continues. If the magistrate finds that probable cause did not exist, the tower's lien is extinguished.

(g) *Right to appeal.* Any aggrieved party may appeal the magistrate's decision to district court.

(h) *Option to pay or post bond.* At any stage in the proceedings, including before the probable cause hearing, the owner may obtain possession of his or vehicle by:

- (1) Paying the towing fee, or
- (2) Posting a bond for double the amount of the towing fee.

(i) *Hearing on lien.* The tower may seek to enforce his lien or the owner may seek to contest the lien pursuant to Chapter 44A.

(j) *Payment to tower guaranteed.* The town shall provide the towing fees owed to the tower if a court finds that no probable cause existed for the towing..
(Code 1976, § 11-4.13; Ord. No. 8-83, 9-19-83; Ord. No. 13-97, 4-7-97)

Sec. 20-1204. Emergency towing.

(a) *Emergency towing.* Sections 20-1205 through 20-1207 shall be followed when the town or its contractor removes, tows in and impounds any motor vehicle in the instances listed in this subsection. In all other instances where the town tows a junked or abandoned motor vehicle, section 20-1208 and the applicable procedures of section 20-1209 shall be followed before any motor vehicle is removed, towed in and impounded by the town. A motor vehicle may be removed, towed in and impounded without prior notice and opportunity for a hearing prior to towing when:

- (1) It creates a hazard or significant obstruction to the normal movement of traffic;
- (2) It blocks or obstructs a private driveway, fire lane, bicycle lane or sidewalk;
- (3) It is on a public vehicular area and within fifteen (15) feet in either direction of a fire hydrant;
- (4) It hinders egress from the entrance to a fire station or otherwise significantly impedes provision of an essential town service;
- (5) It is parked in violation of a specific ordinance providing for a no parking area and the area is appropriately marked;
- (6) It is parked in violation of some other traffic ordinance, statute or regulation and circumstances create a special hazard requiring very prompt removal.

(b) *Other abandoned or nuisance vehicles.* With respect to abandoned or nuisance vehicles left on city-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. 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.
(Code 1976, § 11-4.14; Ord. No. 8-83, 9-19-83; Ord. No. 13-97, 4-7-97)

Sec. 20-1205. Notice of emergency tow.

(a) When a vehicle has been removed, towed in, and impounded under section 20-1204 without prior notice, the chief of police or his designee shall use reasonable efforts, including license plate or vehicle identification numbers, to identify the owner or his agent and notify him that the vehicle has been towed by delivering to him a “notice of emergency tow.” The owner or his agent of a North Carolina registered vehicle shall be given notice within twenty-four (24) hours after the tow. The owner of a vehicle not registered in North Carolina shall be given notice within seventy-two (72) hours after the tow. Notice shall be given as follows:

- (1) When feasible, in person or by telephone, in which case a record of the form and manner of notice shall be kept.
- (2) Whether or not the owner is reached personally or by telephone, notice shall be sent by certified mail to his last known address unless the owner or his agent waives such notice in writing.
- (3) Whenever a vehicle without a valid registration plate or registration is towed or the owner cannot otherwise be determined after reasonable efforts to do so, notice shall be given by newspaper publication in a newspaper of general circulation in the county.

(b) The notice of emergency tow shall include:

- (1) A description of the vehicle, the location from which it was towed and the location where it is being stored;
- (2) A statement setting forth the violation with which the owner or the vehicle is charged, if any;
- (3) A statement describing how the owner may recover his vehicle and stating the procedure he must follow to request a probable cause hearing on the towing.

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 (1) through (3) 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 his agent.

When 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 of the information set forth in subsections (1) through (3) above. (Code 1976, § 11-4.15; Ord. No. 8-83,9-19-83; Ord. No. 13-97, 4-7-97)

Sec. 20-1206. Post-towing hearing for emergency tow; other due process requirements.

(a) *Right to hearing.* The owner or other person entitled to claim possession of a vehicle towed pursuant to section 20-1204 shall, upon written request, be afforded a hearing on the issue of probable cause for the towing as required by G.S. section 20-222. Written request for such a hearing shall be filed with a magistrate in the county and served upon the town within twenty-four (24) hours after filing. A hearing shall be set before a magistrate within seventy-two (72) hours of the filing of the request. Notice of the time and place of the hearing shall be given to the owner, to the person requesting the hearing, to the tower and to the person who authorized the towing. It shall be the responsibility of the person requesting a hearing to see that the notices required herein are served as required.

(b) Any interested person may present evidence at the hearing. The person who authorized the towing and the tower may submit affidavits in lieu of or in addition to appearing personally.

(c) The only issue at this hearing shall be whether probable cause existed for the towing. If the magistrate finds that probable cause did exist, then the tower's lien continues. If it is found that no probable cause existed, then the tower's lien is extinguished.

(d) *Right of appeal.* Any aggrieved party may appeal the magistrate's decision to District Court for a hearing de novo.

(e) *Option to post bond.*

(1) At any stage of the proceedings, the owner may withdraw his objections to the towing and may, by paying the towing fee and court costs, obtain possession of the subject vehicle.

(2) Alternatively, the owner may, at any stage of the proceedings and without prejudice to any other rights which he may have, obtain possession of the vehicle by posting with the town clerk a bond for double the amount of the towing fee.

(Code 1976, § 11-4.16; Ord. No. 8-83, 9-19-83)

Sec. 20-1207. Reserved.

[The provisions of former section 20-1207 have been transferred to subsection 20-1206(e).]

Sec. 20-1208. Non-Emergency towing by the town.

In lieu of using a contractor for towing as provided in section 20-1203, the town may also tow vehicles for non-emergency purposes in accordance with the requirements of section 20-1202, this section and section 20-1209.

(a) The owner of a vehicle subject to removal, towing and impoundment shall be given notice of and an opportunity for a hearing prior to such impoundment.

(b) The authorizing official shall use reasonable efforts to locate and notify the owner of the vehicle or his agent that it is subject to removal, towing and impoundment and to deliver to him a "notice of violation." The notice shall be given to the owner or other person entitled to possession of the vehicle seven (7) days prior to the proposed date of tow by:

(1) Any of the methods provided for in section 20-1205(a)(1) or (2) for giving notice of emergency tow; or

(2) Affixing a notice of violation securely and conspicuously to the vehicle.

(c) The notice of violation shall include:

(1) The location and description of the vehicle, including license plate number, if any;

(2) The place where the vehicle is stored;

(3) A statement that the vehicle is alleged to be in violation of a town ordinance or Code section and the specific violations alleged;

(4) The procedure the owner must follow to have the vehicle returned; and

(5) A statement that the owner may dispute any alleged violation by requesting a hearing prior to the proposed towing date before the town manager or his designee to determine if there is probable cause to tow and impound the vehicle.

(d) If no hearing is requested or if it is waived, then the officer who made the initial determination that the vehicle is subject to impoundment shall determine if the vehicle is still subject to impoundment seven (7) days after notice has been given. If the vehicle remains subject to impoundment, such officer shall arrange to have the vehicle removed, towed in and impounded. If a hearing is requested, the town shall use the procedures set forth in section 20-1209.

(e) The chief of police shall send a “notice of impoundment” promptly to the vehicle's owner or his agent when it is impounded after the procedures of this section have been followed. The notice shall be given to the owner by any of the methods provided for in section 20-1205 for giving notice of emergency tow.

(f) The notice of impoundment shall include:

(1) A description of the vehicle, including license plate number, if any, and the location from which it was towed;

(2) A statement that it was impounded after notice duly given and an opportunity for a hearing under this section;

(3) A citation of the alleged violation for which the vehicle was towed;

(4) A description of the procedure by which the owner or his agent may pay the towing and storage fees and related notification costs and reclaim the vehicle;

(5) A warning that the vehicle may be disposed of as authorized by law if not reclaimed within thirty (30) days after its impoundment.

(Code 1976, § 11-4.20; Ord. No. 8-83, 9-19-83)

Sec. 20-1209. Non-emergency towing hearing procedures.

(a) The owner of a vehicle impounded or subject to impoundment under section 20-1208, or his agent, may request an administrative hearing within seven (7) days after the delivery of the notice of tow or notice of violation, or the equivalent publication thereof, to determine if there was or is probable cause to tow and impound the vehicle under this article. The hearing shall be conducted by the town manager or his designee. The hearing shall be conducted as soon as possible, but in any event, within forty-eight (48) hours after a request for it unless a later time is agreed to in writing by the person requesting the hearing.

(b) Failure of the owner or his agent to request or attend a scheduled hearing shall waive his right to such hearing.

(c) The hearing officer shall determine only if there is or was probable cause to impound the vehicle under section 20-1208. "Probable cause to impound" shall mean such a state of facts as would lead a person of ordinary care and prudence to believe that there was or is a sufficient breach of local, state or federal law to grant legal authority for the removal of the vehicle under any of the circumstances or grounds for towing, removal and impoundment set forth in this article or otherwise.

(d) The decision of the hearing official is final and shall be rendered in writing. A copy of the decision shall be provided to the person requesting the hearing.

(e) If no probable cause is found, (i) the hearing official shall refund or cause to be refunded any bond previously posted and shall direct in writing that the vehicle be released from impoundment to its owner or his agent and (ii) the towing and storage fees shall be paid by the town. If the vehicle's owner or his agent fails to claim it from impoundment by 5:00 p.m., on the first working day after the date of the decision, he shall assume liability for all subsequent storage charges.

(f) If the hearing officer finds there was probable cause to impound the vehicle pursuant to section 20-1208, he or she shall so notify the police department in writing and shall direct that the vehicle be released only upon payment of the towing and storage fees and related notification costs.

(g) If the hearing officer find there is probable cause to impound the vehicle pursuant to section 20-1208, he or she shall so notify the police department in writing and direct the department to impound it as authorized by law.

(h) If no hearing is requested or if it is waived, the owner of an impounded vehicle or his agent may regain possession of the vehicle by paying the towing and storage fees and related notification costs.

(i) The owner of a vehicle impounded under section 20-1208 or his agent may regain possession of it prior to the hearing by posting a cash bond in the amount of the town's towing and storage fees and related notification costs. The cash bond shall be forfeited to the town if such

person does not request a hearing under this article or if he or she fails to attend a scheduled hearing.

(j) All witnesses at the hearing shall be sworn by a notary public or other official authorized to administer oaths. The hearing officer's decision shall be based on material, substantial and competent evidence presented at the hearing. The owner or his agent shall be given the opportunity to present evidence and arguments and to ask questions of persons who testify. The hearing shall be quasi-judicial in nature, and the North Carolina Rules of Evidence shall not apply. The hearing officer's decision shall be made in writing and shall contain a brief, concise statement of the reasons for it.

(Code 1976, § 11-4.21; Ord. No. 8-83, 9-19-83)

Sec. 20-1210. Storage and towing fees and related notification costs.

All storage and towing fees and related notification costs incurred by the town or imposed upon the owner of the vehicle or his agent as a result of its towing-in and impoundment shall constitute a lien upon such vehicle. The vehicle may not be released until these costs have been paid or until the owner or his agent has posted an appropriate bond under this article, unless the hearing official, be it a magistrate under section 20-1203 or a town employee under section 20-1209, determines that no probable cause to tow and impound the vehicle exists.

(Code 1976, § 11-4.22; Ord. No. 8-83, 9-19-83)

Sec. 20-1211. Reserved.

[Former subsection 20-1211(b) has been moved to subsection 20-1202(e).]

(Code 1976, § 11-4.23; Ord. No. 8-83, 9-19-83)

Sec. 20-1212. Sale to enforce lien.

(a) Whenever a vehicle has been impounded pursuant to this article and the towing fees and related costs are not paid or remitted and no bond thereof is posted as provided in this article, then the vehicle shall be sold for the payment of the fees and costs, such sale to be conducted pursuant to the procedures for enforcement of a lien set forth in G.S. Chapter 44A, Article 1, except that no hearing in addition to the probable cause hearing provided for in this article shall be required.

(b) The proceeds of sale shall be distributed as provided in G.S. Chapter 44A, Article 1.

(c) If no one purchases the vehicle at the sale, and if the value of the vehicle according to generally accepted valuation standards is less than the amount of the lien, the town may destroy the vehicle.

(Code 1976, § 11-4.24; Ord. No. 8-83, 9-19-83)

Sec. 20-1213. Immunity.

(a) For towings authorized pursuant to G.S. § 160A-303 (i.e. towings of abandoned vehicles), neither the town nor any person acting on behalf of the town under color of this article shall be

held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of any motor vehicle for any actions taken with respect to such vehicle pursuant to this article.

(b) For towings authorized pursuant to G.S. § 160A-303.2 (i.e. towings of junked motor vehicles that have not been abandoned but otherwise may be lawfully towed by the town or its contactor), any person who removes a vehicle pursuant to this article shall not be held liable for damages for the removal of the vehicle to the owner, lienholder or other person legally entitled to the possession of the vehicle removed; however, any person who intentionally or negligently inflicts injury upon any person in the removal of such vehicle, may be held liable for damages. (Code 1976, § 11-4.25; Ord. No. 8-83, 9-19-83)

Sec. 20-1214. Time requirements.

Whenever in this article a time period or requirement is set out which requires that some act be done within a period of less than seven (7) days, such time period shall be exclusive of holidays and weekends.

(Code 1976, § 11-4.26; Ord. No. 8-83, 9-19-83)

Sec. 20-1215. Adoption of forms.

The town manager is authorized to adopt such forms for use in connection with this article as may reasonably be required.

(Code 1976, § 11-4.27; Ord. No. 8-83, 9-19-83)

Sec. 20-1216. Exceptions.

(a) Nothing in this article shall apply to any vehicle:

(1) Regulated under G.S. 160A-303.2 which is kept or stored in a bona fide “automobile graveyard or junkyard” as defined in G.S. 136-143, in accordance with the Junkyard Control Act, G.S. 136-41, et seq.; or

(2) 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.

(b) No motor vehicle may be towed pursuant to sections 20-1203 or 20-1208 if the vehicle is used on a regular basis for business or personal use. Such vehicles may only be towed in an emergency situation pursuant to section 20-1204.

(Ord. No. 13-97, 4-7-97)

Sec. 20-1217. Unlawful removal of impounded vehicle.

It shall be unlawful for any person to remove or attempt to remove from any private storage facility or town storage facility any vehicle which has been impounded pursuant to the provisions

of this article unless and until all towing and impoundment fees which are due, or bond in lieu of such fees, have been paid. (Ord. No. 13-97, 4-7-97)