

CHAPTER 6

MOTOR VEHICLES AND TRAFFIC

Article I

DEFINITIONS AND INTERPRETATIONS

Sec. 6-1. Definitions and Rules of Construction

Unless otherwise specifically provided, or unless otherwise clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this chapter.

- (1) Driver: The operator of a vehicle.
- (2) Highway or street: The entire width between property or right of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for the purposes of vehicular traffic. The terms "highway" or "street" or a combination of the two terms shall be used synonymously.
- (3) Intersection: The area embraced within the prolongation of the lateral curb lines or, if none, then the lateral edge of roadway lines of two or more highways, which join one another at any angle whether or not one such highway crosses the other. Where a highway includes two roadways thirty 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.
- (4) Local Street: a street within the city that is not part of the state highway system.
- (5) Motor Vehicle: Every vehicle that is self-propelled and every vehicle designed to run upon the highways that is pulled by a self-propelled vehicle.
- (6) Operator: A person in actual physical control of a vehicle that is in motion or that has the engine running.
- (7) Parking or Standing: A vehicle is parked or is permitted to stand when it is stopped and allowed to remain in a fixed location for any duration of time, whether attended or unattended. Except when the context clearly indicates otherwise, the limitations on parking and standing in this chapter apply only to locations within a street right-of-way. In no case do these limitations apply when a vehicle is stopped to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device or as the result of an emergency or because the vehicle is disabled.

- (8) Roadway: That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but no to all such roadways collectively.
- (9) Safety Zone: A traffic island or other space that is officially set aside within a highway for the exclusive use of pedestrians and that it so plainly marked or indicated by proper signs as to be plainly visible at all time while set apart as a safety zone.
- (10) State-Highway-System Street: A street within the city that is part of the state highway system. Whenever this chapter regulates parking or the movement of traffic on, to, or from a state-highway-system street, then to the extent that concurrence by the State Department of Transportation is necessary (by passage of a concurring ordinance or otherwise) such regulation shall not become effective until such concurrence is obtained.
- (11) Street: See "highway."
- (12) Traffic Control Device: Any sign, signal, marking or other device placed or erected pursuant to a lawfully adopted ordinance and designed to regulate, warn, guide, or control traffic.
- (13) Traffic Control Signal: Any device designed to regulate, guide, or control traffic through the use of alternating or flashing lights or by some other mechanical means.
- (14) Vehicle: Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon fixed rails or tracks; provided, that for the purposes of this chapter bicycles shall be deemed vehicles and every rider of a bicycle upon a highway shall be subject to the provisions of this chapter applicable to the driver of a vehicle except those which by their nature can have no application.

Article II

TRAFFIC CONTROL AND TRAFFIC CONTROL DEVICES

Sec. 6-2. Stoplights Required at Certain Intersections and Locations

The city manager shall have erected or installed mechanical stoplights to regulate vehicular and pedestrian traffic at authorized intersections and locations within Archdale. The effect of such stoplights on vehicles and pedestrians shall be as provided in NCGS 20-158 and 20-172. The schedule of intersections where stoplights have been authorized by the city council will be maintained by the city clerk.

Sec. 6-3. Flashing Red or Yellow Lights Required at Certain Intersections and Locations
The city manager shall have erected or installed mechanical red or yellow blinking or flashing lights to regulate vehicular and pedestrian traffic at authorized intersections and other locations. The effect of such blinking or flashing red or yellow lights on vehicles and pedestrians shall be as provided in NCGS 20-158 and 20-172. The schedule of intersections where flashing red and yellow lights have been authorized by the city council will be maintained by the city clerk.

Sec. 6-4. Stop Signs at Intersections and Other Places

If the city council finds that a particular hazard exists the manager is hereby directed to erect a stop sign at the location indicated by the city council. The effect of such a stop sign on vehicles and pedestrians shall be as provided in NCGS 20-158 and 20-172. The schedule of locations where stop signs have been authorized by the city council will be maintained by the city clerk.

Sec. 6-5. Yield-Right-of-Way Signs at Certain Intersections

If the city council finds that a particular hazard exists with respect to a through street intersection the city manager is hereby directed to erect a yield-right-of-way sign at the location indicated by the city council. The effect of such yield-right-of-way signs on vehicles and pedestrians shall be as provided in NCGS 20-158 and 20-172. The schedule of intersections where yield-right-of-way signs have been authorized by the city council will be maintained by the city clerk.

Sec. 6-6. One-way Streets

Whenever a street is designated a one-way street and traffic control devices are installed in accordance with this Article, no person may drive any vehicle on such street except in the direction indicated by the traffic control devices. (Note: NCGS 20-165.1 makes it unlawful to drive contrary to a sign erected by the State Department of Transportation) The schedule of streets or parts of streets designated as one-way by the city council will be maintained by the city clerk.

Sec. 6-7. Dead-end Streets

Whenever a street terminates in a dead-end and does not intersect with another street, the city council erect signs warning drivers that the street ends. A schedule of dead-end streets shall be maintained by the city clerk.

Sec. 6-8. Turning Regulated

Whenever appropriate traffic control devices are installed that clearly indicate that right or left turns, U-turns, or all turns are prohibited or required from a particular lane of traffic, no person may drive any vehicle contrary to the directions of any traffic control device so installed by the city manager. The schedule of locations where the city council has prohibited or regulated such turns will be maintained by the city clerk.

Sec. 6-9. Crosswalks and Safety Zones

If the council finds that there is particular danger to pedestrians crossing a roadway the city manager shall establish and maintain crosswalks and safety zones at these locations by placing marks or lanes upon the surface of the roadway or by other traffic control devices. The effect of such crosswalks upon vehicles and pedestrians shall be as provided in NCGS 20-173 and 20-174, and other provisions of law. As provided in NCGS 20-160(b), no driver of a vehicle may drive through or over a safety zone. A schedule of place where crosswalks and safety zones have been authorized by the city council will be maintained by the city clerk.

Sec. 6-10. Weight Limitations on Certain Streets

Whenever the city manger installs a traffic control device clearly stating or indicating that through trucks are not permitted on a street or any portion thereof, no person may drive any truck having six wheels or more on any such street or portion thereof of unless the truck's destination or point of origin is on that street. A schedule of streets or parts of streets where weight limitations have been authorized by the city council will be maintained by the city clerk.

Sec. 6-11. Blocking Intersections and Crosswalks

No driver may enter an intersection or 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.

Secs. 6-12--6-18. Reserved.

Sec. 6-19. General Speed Limit

As provided in NCGS 20-14(b)(1), no person may drive a vehicle on a street or in a public vehicular area in excess of 35 miles per hour unless a different speed is established by the council.

Sec. 6-20. Speed Limits

Whenever a speed limit has been established and appropriate traffic control devices have been installed in accordance with this Article, no person may operate a vehicle on any street in excess of the posted speed. A schedule of streets or parts of streets where speed limits have been established by the council will be maintained by the clerk.

Sec. 6-21. Enforcement of Section 6-10

Pursuant to the provisions of NCGS 160A-175, the council has determined that the violators of the code provisions regulating weight limitation on certain streets should be subject to a civil penalty to be recovered by the city in a civil action in the nature of a debt if the offender does not pay the penalty in the prescribed period of time after he has been cited for violation of the ordinance in addition to any other remedies already provided;

Where there is a violation of this section, the city, in its discretion, may take either or both of the following enforcement actions:

- (a) A law enforcement officer may issue a violation notice in accordance with G.S. 160A-175, subjecting the violator to a twenty-five dollar (\$25.00) civil penalty to be paid within ten (10) days, which penalty may provide for an additional twenty-five dollar (\$25.00) delinquency charge upon nonpayment, in the discretion of the city manager or his designee, and which penalty and delinquency charge may be recovered by the city in a civil action.
- (b) A misdemeanor warrant may be issued either immediately or upon the issuance of a violation notice and the violator's failure to pay the same.
- (c) Each separate day of a continued violation shall be a separate and distinct offense and shall give rise to a separate and distinct penalty.

Sec. 6-22. Reserved.

Article III

PARKING

Sec. 6-23. Parking Prohibited in Certain Locations; No Traffic Control Devices Required

- (a) No person may park any vehicle or permit it to stand in any of the following locations:
 - (1) As provided in NCGS 20-162, in front of a private driveway;
 - (2) As provided in NCGS 20-162, within fifteen (15) feet of either direction of a fire hydrant (whether or not located in a public right-of-way) or the entrance to a fire station;
 - (3) As provided in NCGS 20-162, within fifteen (15) 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;
 - (4) Within an intersection or on a marked crosswalk; or any marked fire lane;
 - (5) Within thirty (30) feet of any traffic control signal or device installed at an intersection, regardless of whether the vehicle is located within or outside of the public right-of-way;
 - (6) On a sidewalk or on the space between the sidewalk and the curb;

- (7) In any portion of a roadway intended to carry traffic at the time such vehicle is parked or left standing;
 - (8) On the roadway side of any vehicle stopped, standing, or parked at the edge of a curb or street;
 - (9) Alongside or opposite any street excavation or obstruction when such parking or standing would obstruct traffic;
 - (10) Upon any bridge, overpass, or other elevated structure or within any tunnel or other underpass structure;
 - (11) Within fifty (50) feet of the nearest rail of a railroad crossing;
 - (12) In an alley or private road in such a manner or under conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular travel or to block the driveway entrance to any abutting property; and
 - (13) In any parking space clearly marked as reserved for the handicapped, whether on public or private property, unless the driver of or a passenger in such vehicle is handicapped.
- (b) The city may install no-parking signs, yellow curb markings or other traffic control devices to indicate where parking and standing is prohibited as stated in subsection (a), but enforcement of the provisions of this section is not dependent on the installation of such devices.

Sec. 6-24. Parking Prohibited on Certain Streets at Certain Times

Whenever, pursuant to ordinance of the city council, signs, yellow pavement markings, or other traffic control devices have been installed clearly indicating that parking or standing within a specified area is prohibited, or is allowed only at certain times or for a certain duration, no person may park any vehicle or permit it to stand contrary, to the directions of those traffic control devices. A schedule of locations where city council has prohibited parking at certain times will be maintained by the city clerk.

Sec. 6-25. Parking of Vehicles in Residential Districts

Except for public passenger vehicles or other vehicles of less than 80 inches wide and 30 feet long, it is unlawful to park a vehicle or trailer in a residential district except for loading and unloading purposes, for emergency home service, or for use in the conduct of a legal nonconforming use; and then parking of such vehicles shall be permitted only on the property occupied by the legal nonconforming use.

Sec. 6-26. Parking Prohibited for Certain Purposes

No person may park any vehicle or permit it to stand upon the any street for any of the following principal purposes.

- (1) Washing, greasing, changing tires, or repairing such vehicle, except to the extent necessitated by an emergency;
- (2) Storing it;
- (3) Advertising.

Sec. 6-27. Parking Close to Curb; Marked Spaces

- (a) Except as otherwise provided in this article, no person may park a vehicle or permit it to stand in a roadway other than parallel with the edge of the roadway, heading in the direction of lawful traffic movement, and with the wheels of the vehicle within eighteen (18) inches of the curb or the edge of the roadway.
- (b) The manager may have marked any street where parking is permitted with lines that indicate the parking space for vehicles, and no person may park any vehicle outside such lines.

Sec. 6-28. Loading and Unloading Zones

Notwithstanding any other provision of this chapter, whenever streets or portions of streets are designated as vehicle loading and unloading zones, parking and standing are permitted in these locations but only in accordance with restrictions enacted by the city council and printed on signs marking the loading and unloading zones. A schedule of places designated for vehicle loading and unloading will be maintained by the city clerk.

Sec. 6-29. City Clerk to Maintain Scheduled of Speed and Parking Regulations

The clerk shall maintain the following schedules of streets, intersections, for which the city council has enacted ordinances regarding speed limits, parking and regulation of traffic.

- (1) Stoplight intersections;
- (2) Flashing red or yellow lights;
- (3) Stop sign intersections;
- (4) Yield-Right-of-Way intersections;
- (5) One-way streets;

- (6) Places where specified turns prohibited;
- (7) Places where weight limitations are in effect;
- (8) Speed limits;
- (9) Places where parking is prohibited, allowed only at certain times or allowed only for certain duration;
- (10) Loading and unloading zones;
- (11) Places where crosswalks and safety zones authorized;
- (12) Dead-end streets.

Article IV

BICYCLES, MOTORCYCLES, MINI-BIKES

Sec. 6-30. Special Provisions for Bicycles, Motorcycles, Mini-bikes, etc.

- (a) The driver of a motorcycle or bicycle when upon the street may not carry any other person upon the handlebars, tank, or any other part of a motorcycle or bicycle not designed for carrying passengers.
- (b) No person using roller skates or a skateboard or riding a bicycle, coaster, toy vehicle or similar device may attach himself or such a vehicle or device to any moving motor vehicle.
- (c) No person, unless otherwise authorized, shall operate any self-propelled vehicle on any sidewalk, in any park, or any other property owned or under control of the City, provided that nothing herein shall prohibit the operation of a registered and properly licensed motor vehicle on the public streets, highways or public parking lots in the City in accordance with the laws of the State of North Carolina. For purposes of this Section, “self-propelled vehicle” is intended to include all-terrain vehicles, motorcycles, go-carts, scooters, golf carts, mini-bikes, mopeds, and hover boards, whether powered by gasoline, diesel fuel or natural gas, or battery operated/electric motor, or any other vehicle as defined in NCGS 20-4.01.

Article V

PARKING ENFORCEMENT

Sec. 6-34. Parking Tickets; Numbering; Records; Investigation and Report on Records; Authority to Issue

The chief of police shall cause all parking tickets to be serially numbered, and shall cause the records of the issuance and disposition of parking tickets to be so maintained that they can be accounted for. The city auditor shall periodically investigate the records of the police department for the purpose of determining the disposition of the parking tickets and shall report the result of his investigation to the city council.

Sec. 6-35. Same; Disposition

When the owner of a vehicle or his agent appears before the official designated on a parking ticket within the designated time and desires to settle for the charge, the official shall accept payment as provided by law. In the event that the owner or his agent does not appear or does appear but desires to contest the charge, the official shall notify the officer who issued the parking ticket so that appropriate action may be taken.

Sec. 6-36. Same; Removal

No person may remove a parking ticket from a vehicle or permit it to be removed, except for the purpose of answering the charge which it was issued.

Sec. 6-37. Same; Alteration

No person may alter a parking ticket, and no person may have in his possession an unlawfully altered ticket.

Sec. 6-38. Illegally Parked Vehicles; Notice; Manner of Placing Ticket on Vehicles

Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by ordinance of this city or by state law the official finding that vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its owner and shall conspicuously affix to such vehicle a notice in writing, on a form provided by the city, for the driver to answer the charge against him within ten (10) days, at a place specified in the notice. The officer shall send one (1) copy of such notice to the collections office of the city.

Sec. 6-39. Same; Failure to Comply With Notice Attached to Vehicle

If a violator of the restrictions on stopping, standing or parking under the traffic laws or ordinances of this city 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 of motor vehicle

to which the notice was affixed a notice of warning or shall call him by telephone, informing him of the violation and warning him that in the event such letter or telephone call is disregarded, a complaint will be filed and a warrant of arrest issued.

Sec. 6-40. Same; Prima Facie Proof

- (a) In any prosecution charging violation of any law or resolution governing the standing or parking of a vehicle, proof that the particular vehicle was parked in violation of such law or regulation, together with the proof that the defendant was at the time of such parking the registered owner of the vehicle, shall be prima facie proof of the fact that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which the violation occurred.
- (b) The foregoing provision as to prima facie proof shall apply only when the procedure as prescribed in Sections 6-38. and 6-39. has been followed.