

Ordinance 20-18

Town of Troutman Parking Ordinance

***State law reference(s)** - Authority of city to regulate on street parking, N.C.G.S. Section 160A- 301, parking generally, N.C.G.S. Section 20-161-20-163; Prima facie rule of evidence for enforcing parking regulations, N.C.G.S. Section 20-162.1; N.C.G.S. 160A-175, enforcement of ordinances.

STOPPING, STANDING OR PARKING PROHIBITED IN CERTAIN PLACES AND FOR CERTAIN PURPOSES

Section 1-1

It shall be unlawful for the driver of any vehicle to stop such vehicle in or upon any street within the Town of Troutman, except for purpose of parking as provided for in this Article, unless such stop is made necessary by the approach of fire or emergency apparatus, by the approach of a funeral procession, by the stopping of a public conveyance, by the reason of traffic signals, in the exercise of the rights of turning at an intersection or upon entering an intersection, by the passing of another vehicle, for a pedestrian, by reason of any emergency or by order of a law enforcement officer.

Section 1-2. Prohibited In Certain Places.

No person shall stop, stand or park a motor vehicle, tractor-trailer, commercial vehicle, recreation type vehicle including motor homes or detached trailer, except when necessary to avoid conflict with other traffic or in compliance with the directions of a law enforcement officer or a traffic-control device in any of the following places:

1. On a sidewalk;
2. On a crosswalk;
3. In front or across the street of a public or private driveway;
4. Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a street or roadway;
5. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic;
6. On the roadway side of any vehicle stopped, standing or parked at the edge or curb of a street;
7. In, or on the space between a sidewalk and a public street;
8. Within a street intersection;
9. Within fifteen (15) feet of a fire hydrant;
10. Within twenty (20) feet of a crosswalk;
11. Within thirty (30) feet of an intersection;
12. Within the circular portion of any cul-de-sac;
13. In, or on any common area of the Town of Troutman;
14. At any place where official signs prohibit stopping;

15. No person shall stop, stand or park a vehicle within the town, except when necessary to avoid conflict with other traffic or in compliance with law, or the directions of a police officer or traffic control device, with the left side of said vehicle to the curb against the traffic flow. Any person violating this section shall be subject to the general enforcement provisions and penalties for parking violations.

These provisions do not apply to emergency vehicles.

State law reference(s) – Parking near fire hydrant, fire station or private driveway, Section 20-162.

Section 1-3. Prohibited For Certain Purposes.

It shall be unlawful for any person to stand or park a vehicle upon any street of the Town of Troutman for the principal purpose of:

1. Displaying it for sale;
2. Washing, greasing or repairing such vehicle, except for repairs necessitated by an emergency;
3. Storage thereof by garages, dealers or other persons when such storage is not incident to the bona fide use and operation of such automobile or other vehicle;
4. Storage of any detached trailer or van when the towing unit has been disconnected or for the purpose of transferring merchandise or freight from one vehicle to another;
5. Unless otherwise regulated, parking of any tractor-trailer, commercial vehicle, or recreation type vehicle including motor homes, boats, etc., for more than one hour on any given day.

Section 1-4. Parking Not To Obstruct Traffic.

In any area within the corporate and annexation limits of the Town of Troutman where parking spaces are not marked on the pavement, are not designated as “no parking” zones and are not otherwise restricted by this Article from the parking of a vehicle, all vehicles shall be parked, stopped or standing parallel to the curb or the edge of the pavement and as far right of the centerline as possible, leaving at least 12 feet of clear unobstructed roadway for the safe passage of other vehicles. At no time may a vehicle be directly across the street from another vehicle unless there will be 12 feet of roadway open between the two vehicles.

Section 1-5. No Parking for Purposes of Advertising.

It shall be unlawful for any person to stand or park any vehicle on any street for the primary purpose of advertising unless such owner or driver thereof shall have obtained written permission from the Town of Troutman.

Section 1-6. Standing or Parking On One-Way Roads.

In the event a street or roadway is restricted to one direction upon any such street or roadway, no person shall stop, stand or park a vehicle upon the left-hand side of such one - way street or roadway unless signs are erected to permit such stopping, standing or parking.

Section 1-7. Handicapped Parking Spaces.

When official signs are erected indicating no parking except for the handicapped, no person other than the handicapped shall park a vehicle in such designated place.

Section 1-8. Prohibited At All Times In Certain Locations.

Parking, standing or stopping a vehicle shall be prohibited at all times and at all locations:

1. When signs are placed, erected or installed giving notice thereof or the curbing has been painted yellow in lieu of such signs, no person shall stop, stand or park a vehicle at any time upon any of the streets designated on the official traffic maps of the Town of Troutman as areas where parking is prohibited at all times;
2. No vehicle of one (1) ton or more capacity shall be parked upon either side of any residential street;
3. No person shall park any recreational vehicle, boat or trailer of any kind on any public street at any time;
4. No person shall stop, stand, or park any commercial vehicle, bus, trailer, etc., on any street except for the temporary purpose of transacting business (e.g. moving vans, parcel delivery vehicles, etc.).

Section 1-9. Prohibitions Regarding Other Miscellaneous Vehicles.

It shall be unlawful for any person to stop, stand, park or otherwise leave unattended any commercial motor vehicle, dump truck, excursion passenger vehicle, horse trailer, property hauling vehicle, school bus, school activity bus or any other type of passenger or commercial vehicle that exceeds two rear axles or four tons in or on any driveway, street, common area, park, front yard or alley provided, however, the provisions of the section do not apply to the following:

1. The temporary parking for the loading or unloading of moving vans or trucks;
2. The stopping, standing or parking when necessary to avoid conflict with other traffic, or in compliance with law or the direction of a law enforcement officer or traffic control device;
3. The normal stoppage of commercial vehicles or buses for taking on and discharging passengers or freight;
4. The stopping, standing, or parking of any governmental, emergency or utility vehicle as required by the performance of legitimate governmental, emergency or utility-related function;
5. An emergency resulting from breakdown that requires repairs to the vehicle.

Section 1-10. Municipal Parking Lot

The Police Chief or the Chief's representative is hereby authorized to mark off individual parking spaces, to include handicapped parking spaces, in all municipal off-street parking lots on the curbing or the surface of the pavement. Said parking spaces are to be designated by lines painted or durably marked.

1. When signs are properly installed regulating the direction of all traffic entering municipal parking lots, traffic shall enter the parking lots following the posted directions of travel;
2. Parking any vehicle across any line or marking of a parking space or in such a position that the vehicle is not entirely within the area designated by such lines or markings is a violation;
3. Parking any vehicle within the area designated as a parking space for the purpose of making sales of any property to any person therefrom is a violation;
4. Parking any vehicle within a municipal off-street parking lot at any place other than a designated parking space is a violation;
5. Parking any truck exceeding one ton within any municipal off-street parking lot is a violation;
6. All violations of this section shall be cited as if it were a parking violation and shall be enforced and punished.

Section 1-11. Penalties and Enforcement.

1. Notwithstanding any other provisions, violations of the provisions of this Article shall subject the offender to a civil penalty as authorized by N.C.G.S. Section 160A-175(c) upon the issuance of a citation for said violation as hereinafter provided.
2. Whenever any vehicle is found parked or stopped in violation of any of the restrictions imposed by ordinance of this town or by state law, the police officer finding such vehicle shall take any information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a parking citation, in such form as prescribed by the Chief of Police, directing the driver to report, within fifteen (15) days after such violation, to the police department during regular business hours to answer the charge against him.
3. Upon the issuance of a parking violation provided for herein the owner, or operator if different from the owner of the motor vehicle in violation, shall pay a civil penalty in the amount of \$25.00 within fifteen (15) calendar days after the issuance of the violation. Upon failure to pay the citation within fifteen (15) calendar days, a late penalty of \$25.00 will be assessed for each citation not paid within the time required.
4. Penalties for handicap spaces and one (1) ton trucks or more are \$50.00. The violation is a civil penalty and shall follow the same procedures as standard parking violation procedures.

5. If the penalty is not paid as provided in subsection (3) herein above, a notice shall be mailed via the United States Postal Service to the operator, if known, or the registered owner of the vehicle in violation if the operator is not known, within ninety (90) days of the date of occurrence enclosing a copy of the citation and stating that unless the civil penalties set forth are paid within thirty (30) calendar days after mailing of the notice to the operator or owner, the Town of Troutman will seek civil remedies in the nature of a debt to collect the same. The Troutman Police Department will administer and enforce the terms of this Ordinance. Nothing in this Ordinance shall be construed to limit the legal authority or powers of Troutman Police Department enforcing other laws or in otherwise carrying out their duties. The provisions contained herein shall not prohibit or prevent the implementation or use of any other enforcement provision as authorized by the State of North Carolina. In the event any person notified as specified in this section fails or refuses to pay the civil penalty specified in said notice, the Chief of Police may cause criminal process to be issued for such person. Any person violating the provisions of any of the restrictions imposed by ordinance of this town or by state law concerning the parking or stopping of motor vehicles shall, upon conviction, be guilty of a misdemeanor and shall be punished in accordance with the provisions of section of the General Statutes of North Carolina (G.S. 14-4).

Section 1-12. Parking Areas Established.

1. When signs are placed, erected or installed, giving notice thereof or the curbing or pavement has been painted yellow or otherwise marked in lieu of such signs, no person shall park a vehicle at such locations where parking is prohibited.
2. Incorporated by reference are diagrams showing the prohibited parking areas and the exceptions thereto. When parking and loading spaces within the permitted parking areas are marked off in accordance with the diagram, all vehicles shall be parked within the boundaries of the spaces.

Section 1-13. Towing of Vehicles and Vehicle Seizures

1. Any car or other vehicle parked on any street or other area where parking is prohibited under the provisions of this ordinance may be removed, towed away and stored as authorized by North Carolina General Statute 160A-303. All notice and hearing procedures required by North Carolina General Statute Section 160A- 303 and Article 7A, Chapter 20 are to be complied with by the Town of Troutman.
2. The Troutman Police Department, in compliance with Section 1-13(1) of this ordinance, may authorize the removal, towing and storage of any car or vehicle in violation of this ordinance. The owner of the motor vehicle shall be liable for any costs incurred in the removal, storage, and subsequent disposition of a vehicle, cargo, or other personal property under the authority of this section.

Section 1-14. Continuing Violations.

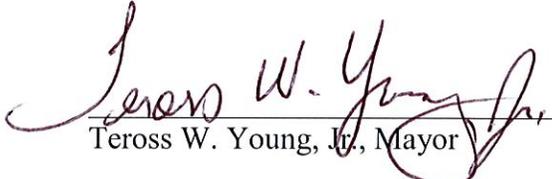
1. Each day of a continuing violation shall constitute a separate violation subject to citation and enforcement under the terms and conditions set forth within this ordinance.

Section 1-15. Repeal and Amend Ordinances

1. This ordinance shall be in full force and effective on September 10, 2018 and shall repeal Ordinance 5-85, 12-86 and 09-07 and all other ordinances in conflict herewith.
2. This ordinance shall amend Ordinance 2-85 Section 2 for parking citations; failure to comply; warrant to issue.

Adopted this 9th day of August, 2018.

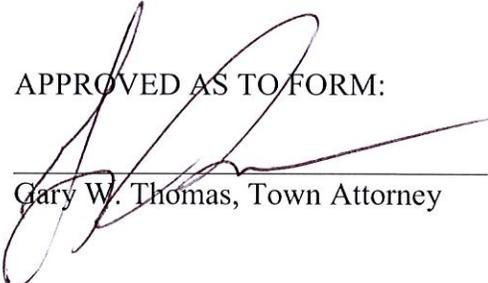



Teross W. Young, Jr., Mayor

ATTEST:


Kimberly H. Davis, Town Clerk

APPROVED AS TO FORM:


Gary W. Thomas, Town Attorney