

- 26) On a street within fifty (50) feet of the nearest rail of a railroad crossing;
- 27) On a street alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic;
- 28) On a street between a safety zone and the adjacent curb or within thirty 30 feet of the points on the curb immediately opposite the ends of a safety zone unless the traffic authority indicates length by signs or markings;
- 29) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- 30) Upon any bridge or other elevated structure upon a street or within a street tunnel;
- 31) On a street median, unless the vehicle is disabled, and then only temporarily for a period not to exceed twenty-four (24) hours;
- 32) On a street other than parallel with the edge of the roadway, headed in the direction of traffic, and with the curbside wheels of the vehicle within twelve (12) inches of the edge of the roadway, unless authorized to do otherwise by appropriate signs;
- 33) On a street so as to leave available less than sixteen (16) feet of the width of the roadway;
- 34) On a street so as to leave available less than sixteen (16) feet of the width of the lane headed in the direction of traffic, if such roadway has designated thereon traffic lanes;
- 35) On a street within the marked traffic lane area, so as to leave available less than sixteen (16) feet of the width of the right one-half of the roadway for the free movement of vehicular traffic.
- 36) Within a public alley in such a manner under such conditions as to leave available less than sixteen (16) feet of the width of the roadway for the free movement of vehicular traffic;
- 37) Within a public right-of-way interfering with landscaping, storm drainage devices or the flow of storm water;
- 38) On a street where parked vehicles interferes with sight distances

NCDOT: Town concurrence is not required for parking restrictions within the corporate limits of the Town since the Department of Transportation may regulate parking upon any street which forms a link in the state highway system if it is maintained with State highway funds. NCDOT ordinance shall take precedence where conflicts with the town ordinance and is more strict in its application than the Town ordinance when parking is regulated upon any street which forms a link in the State highway system if it is maintained with State highway funds.

- B. The prohibitions in this section shall not apply to authorized emergency and public service vehicles whose operators are performing services for which they are responsible, nor do these prohibitions apply to vehicles belonging to persons under contract with the city to perform a public service. These exceptions, however, shall apply only when an emergency situation requires that such vehicles park in the prohibited areas.

C. Certain areas within the town shall be designated as "NO PARKING ZONES FOR COMMERCIAL VEHICLES" or "NO PARKING ZONES."

1. In areas designated "NO PARKING ZONES" no vehicles shall park on or along the streets so designated upon the shoulder or paved portion thereof;
2. In any designated "NO PARKING ZONE FOR COMMERCIAL VEHICLES," commercial vehicles shall not park on any portion of a street, roadway or right-of-way owned, controlled, or posted by the town;
3. In any designated "NO PARKING OVERNIGHT," passenger or commercial vehicles shall not park on any portion of a street, roadway or right-of-way owned, controlled, or posted by the town;
4. A commercial vehicle, as defined in this chapter, is any vehicle used primarily for commercial use, including but not limited to 18-wheel tractor trailers , any medium to heavy industrial or business work van or truck, or any other vehicle not used primarily for recreational or personal reasons.

71.02. Parking Not to Obstruct Traffic

In any area within the corporate limits of Indian Trail where parking spaces are not marked on the pavement, are not designated as "NO PARKING" zones and are not otherwise restricted by this chapter 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 sixteen (16) feet of clear unobstructed roadway for safe passage of other vehicles. At no time may a vehicle be parked directly across the street from another vehicle unless there will be a sixteen (16) feet or roadway open between the two (2) vehicles.

71.03. Parking Prohibited For Certain Purposes

- A. It shall be unlawful for any person to stand or park a vehicle upon any street of the Town for the principle purpose of:
1. Displaying it for sale and advertisement.
 2. Washing, greasing or repairing such vehicle, except for repairs necessitated by an emergency.
 3. Unless otherwise regulated, parking of any tractor trailer or commercial vehicles for more than two (2) hours on any given day if said vehicle is left unattended and is not being actively used for the commercial purpose for which it is intended.
 4. Trailers parked and not attached to a motor vehicle.
 5. The storing thereof by garages, dealers or any individuals such as storage is not incident to the bona fide use and operation of such vehicle. and/or
 6. Storage of any detached trailer or van when the towing unit has been disconnected, or for the purpose of transferring merchandise or freight from vehicle to another;
- B. For the purpose of this section, a vehicle shall be deemed to have been left on the street for the principal purpose of storage when that vehicle has been standing in one place for a continuous period of more than seventy-two (72) hours. This subsection shall apply to a vehicle that is left standing in front of its owner's residence only when the vehicle does not have a license plate or has an expired license plate.

71.04. Standing for Loading Only

- A. It shall be unlawful to 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 loading zone during the hours specified for a period not to exceed three (3) minutes.
- B. It shall be unlawful to stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials at any place marked as a loading zone during the hours when the provisions applicable to loading zones are in effect. In no case shall a stop for loading and unloading of materials exceed the posted time limit, which time shall be no more than thirty (30) minutes.

71.05. Certain vehicles to be parked only for loading and unloading

- A. It shall be unlawful to park any of the following vehicles on a street at any time except when engaged in loading and unloading or otherwise lawfully and actively engaged in conducting the business for which they are intended and only for the duration of such activities:
 - 1. Motorbuses operating as passenger carriers and property hauling vehicles licensed by the state as common carriers.
 - 2. Private vehicles whose overall dimensions, including any trailer attached thereto, are more than eighty (80) inches in width or thirty (30) feet in length.
- B. Because of the public necessity to transport students to elementary and secondary schools, all school buses are exempted from subsection (A) of this section.

71.06. Notice of Traffic Violation

- A. Whenever a person charged with the enforcement of the provisions of this chapter regulating the parking of vehicles, a law enforcement officer or a code enforcement officer shall notify the owner or operator of such vehicle of the alleged violation by conspicuously attaching to said vehicle or delivering to the owner or operator a notice or ticket clearly stating the violation charged and requiring such owner or operator to respond to the charge(s) within five (5) business days after such violation.

71.07. Civil Penalty For Violation

Violation of the parking regulations contained in this chapter shall subject the offender to the following civil penalties:

- A. A violation of this chapter may be enforced by the issuance of a civil penalty in the amount of \$25.00.

71.08. Enforcement

- A. The provisions of this chapter may be enforced by the Union County Sheriff, the North Carolina Highway Patrol, any authorized local law enforcement agency, and or code enforcement officer.

- B. Any violation of the parking regulations contained in this chapter shall subject the offender to the state civil penalties. Pursuant to N.C.G.S. 160A-175, all criminal penalties for these violations are removed.
- C. Any person who has failed to respond to a citation issued pursuant to this chapter within five (5) business days as specified in section 71.06 shall receive a written notice. Such notice shall state that if the civil penalty is not paid within thirty (30) days, a late penalty of \$25.00 shall be added to the initial civil penalty.
- D. Any failure to pay all penalties assessed within sixty (60) days shall subject the offender to a civil action pursuant to N.C.G.S. 160A-175 in the nature of a debt for assessed penalties plus additional penalty \$50.00.

71.09. Towing of Vehicles in Violation

- A. The Union County Sheriff's Office, the North Carolina Highway Patrol, Town Code Enforcement Officer, Town Manager, or any authorized local law enforcement agency, and all members thereof, are hereby authorized to remove and tow away, or have removed and towed away by commercial towing services, any car or other vehicle illegally parked.
- B. The owner or operator of any car or other vehicle so towed away for illegal parking, shall be subjected to all penalties related to all outstanding parking tickets, such charges shall constitute a lien against such vehicle.
- C. The registered owner of a vehicle that is found to be in violation shall be responsible for such violation and subject to the penalty thereof.
- D. The registered owner of a leased or rented vehicle shall not be responsible for a violation if, within thirty (30) days of actual notification of the issuance of a civil penalty, the owner provides sworn evidence that the vehicle was, at the time of the violation, leased or rented to another person, along with the name and address of the person who leased or rented the vehicle, in which case the person who leased or rented the vehicle shall be responsible for the violation.

71.10. Vehicles Blocking Streets

- A. Unless otherwise authorized herein, It shall be unlawful to stop a vehicle in such manner as to prevent the use of any street or portion thereof for the purpose of travel. It shall be unlawful to stop a vehicle within an intersection or on a crosswalk for the purpose of receiving or discharging passengers.
- B. It shall be unlawful to head in or back a vehicle at any angle to the curb while engaged in loading or unloading or storage so that any part of the vehicle shall extend past the parking lane if parking is permitted.

- C. At locations where parking is prohibited during certain hours, it shall be unlawful to load or unload from that side of the street during the time of the parking prohibition.

71.11. Violations

- A. The registered owner of a vehicle that is found to be in violation of Section 71.01, 71.02, 71.03, 71.04, 71.05, or 71.10 of this regulation shall be responsible for such violation and subject to the penalty thereof.
- B. Whenever evidence shall be presented that any automobile, truck, or other vehicle was found upon any street, alley or other public place contrary to and in violation of the provisions of any statute or of any municipal or Department of Transportation ordinance limiting the time during which any such vehicle may be parked or prohibiting or otherwise regulating the parking of any such vehicle, it shall be prima facie evidence in the State of North Carolina that such vehicle was parked and left upon such street, alley or public way or place by the person, firm or corporation in whose name such vehicle is then registered and licensed according to the records of the department or agency of the State of North Carolina, by whatever name designated, which is empowered to register such vehicles and to issue licenses for their operation upon the streets and highways of this State; provided, that no evidence tendered or presented under the authorization contained in this section shall be admissible or competent in any respect in any court or tribunal, except in cases concerned solely with violation of statutes or ordinances limiting, prohibiting or otherwise regulating the parking of automobiles or other vehicles upon public streets, highways, or other public places.
- C. The prima facie rule of evidence established by subsection (B) shall not apply to the registered owner of a leased or rented vehicle parked in violation of law when the owner can furnish sworn evidence that the vehicle was, at the time of the parking violation, leased or rented, to another person or company. In those instances, the owner of the vehicle shall furnish sworn evidence within thirty (30) days after notification of the violation in accordance with this subsection. If the notification is given to the owner of the vehicle within ninety (90) days after the date of the violation, the owner shall include in the sworn evidence the name and address of the person or company that leased or rented the vehicle.

71.12. Residential Parking Permit Zones

Upon citizen request or on its own initiative, the Town may study the feasibility and desirability of establishing or eliminating one or more residential parking permit zones. A study shall consider, among other things the following:

- A. The effect on the safety of residents of the area under consideration from intensive use by resident/nonresidents for parking of vehicles.
- B. The need of the residents of the area to obtain adequate on-street parking adjacent to or close by their places of residence.

- C. The impact of major public facilities and programs on the health, safety, and welfare of the residents of the area and any unreasonable burdens placed on those residents in securing adequate on-street parking and gaining access to their places of residence by virtue of such facilities and programs.
- D. The likelihood of alleviating, by use of a parking permit system, any problem of unavailability of residential parking spaces.
- E. The desire of the residents in the area for the institution of a parking permit system and the willingness of those residents to bear the administrative costs incidental to the issuance of permits authorized by this section.
- F. The fact that the residents of a contemplated parking permit area have contributed to the cost of construction and/or improvement of streets and roads in such area either by the direct assessment of costs or indirectly to the extent such costs are reflected in purchase or rental prices paid by those residents.
- G. The need for some parking spaces to be available in the area under consideration for use by visitors and the general public.
- H. Such other factors as the Director of Engineering for the Town of Indian Trail shall deem relevant.
- I. Public hearing. A public hearing for Residential Parking Permit Zones may be held in accordance with the following:
1. Following the completion of a study conducted pursuant to subsection (A) of this section, the director may conduct a public hearing at which time interested persons may appear and be heard.
 2. Within forty-five (45) days following the close of the public hearing, the director shall decide whether to propose the designation of the area under consideration as a residential parking permit zone or to remove the designation of an established residential parking permit zone.
 3. Petition and Designation. Procedures for submitting a petition and designation of a Residential Parking Permit Zone are as follows:
 - If the Director of Engineering for the Town of Indian Trail proposes to establish a residential parking permit zone, residents within the area proposed for the designation may petition for the establishment of the zone. Petitions shall be on forms prepared and promulgated by the Director of Engineering. Petitions shall be submitted to the Director of Engineering who shall determine their sufficiency. Any insufficient petition shall be remanded to the individual submitting it, with instructions for correction of deficiencies.

- No residential parking permit zone shall be established unless at least seventy-five 75 percent of the households within the proposed zone have properly signed a petition.
- Upon establishment of a residential parking permit zone, the Director of Engineering shall cause to be posted parking signs in the zone, which signs shall prescribe times, locations and conditions under which parking may be by permit only.

71.13. Administration and Authority

The Director of Engineering for the Town of Indian Trail shall have authority to promulgate regulations necessary to the administration of this program, including, but not limited to, the issuance, display, renewal, revocation, replacement of decals, and establishment of reasonable fees for the program.

TOWN OF INDIAN TRAIL AGENDA ITEM REQUEST FORM

This form must be completed and attached to all supporting documentation for items to be included on the Town of Indian Trail Town Council Agenda.

Submitted By: Gordon B. Daniels Department: Town Council

Contact Phone # (704) 907-1688 Date Submitted 11-7-2016

Date of Town Council Meeting to consider this item: 11-15-2016

Please indicate how much time you expect this matter to take: 15 min

Description (give short summary of topic, this is how item appears on the Agenda.)

Discuss drafting an ordinance to enact a 10-month moratorium for development in order to review and amend the UDO.

Who will attend Council meeting able to respond to questions? Give name & title:

Gordon B. Daniels

Where does this item need to appear? Check all that apply:

Consent Agenda Schedule Public Hearing** Discussion
 Presentation/Recognition Closed Session Work session
 New Business Old Business

*Board, commission, or group requesting joint meeting: _____

Supply General Statute or local ordinance that governs this item (attach copy)

Has this item been reviewed by Town Attorney? Yes _____ No x (Attach recommendation.)

What action is requested of the Council? To approve

What action is requested of the Manager? None

Are Town funds required? Yes / No \$ No Funding Source N/A

**** If requesting a Public Hearing, attach a copy or sample Ad to run in newspaper ****

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Contact Phone # (704) 907-1688 Date Submitted 11-7-2016

Date of Town Council Meeting to consider this item: 11-15-2016

Please indicate how much time you expect this matter to take: 15 min
Description (give short summary of topic, this is how item appears on the Agenda.)

Discuss districts for Indian Trail and increasing the size of Town Council.

Who will attend Council meeting able to respond to questions? Give name & title:

Gordon B. Daniels

Where does this item need to appear? Check all that apply:

<input type="checkbox"/> Consent Agenda	<input type="checkbox"/> Schedule Public Hearing**	<input checked="" type="checkbox"/> Discussion
<input type="checkbox"/> Presentation/Recognition	<input type="checkbox"/> Closed Session	<input type="checkbox"/> Work session
<input type="checkbox"/> New Business	<input type="checkbox"/> Old Business	

*Board, commission, or group requesting joint meeting: _____

Supply General Statute or local ordinance that governs this item (attach copy)

Has this item been reviewed by Town Attorney? Yes _____ No (Attach recommendation.)

What action is requested of the Council? To approve

What action is requested of the Manager? None

Are Town funds required? Yes / No \$ No Funding Source N/A

**** If requesting a Public Hearing, attach a copy or sample Ad to run in newspaper ****