

Chapter 71: Parking Regulations

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70.00 Definitions

ADA: American with Disabilities Act. the ADA provides guidelines for the design of facilities to accommodate the needs of those persons with impaired mobility.

Aisle: Circulation area for motor vehicles within a town parking facility, typically between rows of parking.

Authorized: Official; by authority of the Town Council or Town Manager, or by authority of the State Highway Commission.

Authorized Emergency Vehicles: Vehicles of the Fire Department, Police Department, ambulances and rescue squad vehicles or any other such vehicle recognized by the state as an emergency vehicle.

Code Enforcement Officer: A Town employee that is authorized to ensure parking code compliance.

Driver Operator: A person in actual physical control of a vehicle which is in motion or which has the engine running. The terms Operator and Driver and their cognates are synonymous.

Intersection: The area embraced within the prolongation of the lateral curblines or, in 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 (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate Intersection. In the event that such also includes two roadways thirty (30) feet or more apart, then every crossing of two roadways of such highway shall be regarded as a separate Intersection.

Motor Vehicle: Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds as defined in G.S. § 20-4.01(27).

Official Traffic-Control Devices: All signs, signals, markings and devices not inconsistent with this traffic code, placed or erected by authority of the Town Council for the purpose of regulating, warning or guiding traffic or for the purpose of prohibiting or regulating the parking of vehicles.

Official Traffic Signal: Any device not inconsistent with this chapter, whether manually, electrically or mechanically operated, placed or erected by authority of the Town Council, by which traffic is alternately directed to stop and to proceed.

On-Street Parking: where parking spaces are adjacent to the motor-vehicle traveled way.

Park: 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: Any person afoot.

Law Enforcement Officer: Every officer of the town Police Department or any officer authorized to direct or regulate traffic or to make arrest for violations of traffic regulations.

Private Road or Driveway: Every road or driveway not open to the use of the public as a matter of right for the purposes of vehicular travel.

Railroad: A carrier of persons or property upon cars, other than street cars, operated upon stationary rails.

Railroad Train: A steam, diesel or other engine, or an electric or other motor, with or without cars coupled thereto, operated upon rails.

Resident or Residential District: The territory contiguous to a highway and not comprising a business district, when seventy-five percent (75%) of the frontage on such highway for a distance of three hundred (300) feet or more is mainly occupied by dwellings or dwellings and buildings in use for business.

Right-Of-Way: The privilege of the immediate use of the road.

Roadway: The portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. In the even a highway includes two or more separate roadways, the term Roadway, as used herein, shall refer to any such roadway separately, but not to all such roadways collectively.

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

Sidewalk: The portion of a street between the curb lines, on the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

Standing: Any stopping of a vehicle, whether occupied or not.

Stop or Stopping when Prohibited: Any stopping of a vehicle, except when necessary to avoid conflict with other traffic, or in compliance with the direction of a police officer or traffic-control sign or signal.

Store: To put aside, or accumulate, to use when needed.

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

Traffic: Pedestrians, ridden or herded animals, vehicles and other conveyances, either singly or together, while using any street for purpose of travel.

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 stationary rails or tracks.

71.01 Stopping, Standing or Parking Prohibited in Certain Places and for Certain Purposes

A. It shall be unlawful for any person to stop, park, or leave standing any motor vehicle (passenger vehicle, tractor trailer, motor homes, detached trailer, commercial vehicles, etc.) whether attended or unattended, on any part or portion of the right-of-way of said roadways, except in the case of an emergency, at designated parking areas due to vehicle being disabled for not more than twenty-four (24) hours, and as directed by a law enforcement officer, a code enforcement officer or an official traffic control device in any of the following places:

- 1) On streets where speeds are greater than 30 miles per hour (mph) and volumes are greater than 15,000 average vehicles per day;
- 2) Within an intersection, on any of its auxiliary lanes, and/or within thirty (30) feet thereof;
- 3) Within a fire lane and restrictive features of the curb area (e.g. fire hydrant);
- 4) Within the approach to or within the circular portion of a Cul-de-sac;
- 5) Within fifteen (15) feet of any mailbox or postal cluster box;
- 6) On a sidewalk (in whole or partially), including space between a sidewalk and a public street, except where part of the sidewalk is within a driveway and the driveway cannot house a full length of a car; This provision shall not be applicable to non-motorized bicycles;
- 7) In residential areas where street width is twenty-four (24) feet or less, twenty-eight (28) feet or less with on-street parking in one way, except where street width is thirty (30) feet or more.
- 8) On any public roadway if it is interfering with the regular flow of traffic or otherwise constitutes a hazard;

- 9) In residential areas and other areas where parking spaces are not marked on the pavement and not designated as parking zones. At areas where on-street parking is not prohibited, all vehicles shall be parked parallel to the curb edge of the pavement and as far as the right of the centerline as possible, leaving at least sixteen (16) feet of clear unobstructed roadway for the safe passage of other vehicles;
- 10) Within twenty (20) feet of the driveway entrance to any fire station;
- 11) On a street in front of a public or private driveway, unless otherwise authorized by the owner of the property if said driveway is a private driveway;
- 12) On or within twenty (20) feet of a marked crosswalk;
- 13) On top of an official traffic control devices (e.g. lane marking, shared roadway and bicycle travel lane marking);
- 14) Within a landscaped, marked, or concrete median openings;
- 15) Residential and commercial districts access lanes (e.g. entrances and exits);
- 16) Blocking entrances to trails, ADA ramps, regulatory signs, and one-way circulation aisles inside public parks;
- 17) Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or an official traffic signal located at the side of a street or roadway;
- 18) On any street or town property during public festivals or events, upon designation by the Town Manager and the erection of official "No parking" signs/markings upon said street and Town property;
- 19) In any area or between any points where official "NO PARKING" signs have been erected or adjacent to any curb line where that street curb line, pursuant to town authority, been painted with "NO PARKING" or yellow;
- 20) On a street or on any public property owned or leased by the Town in violation of an official traffic control device when such official traffic control device gives notice of restrictions or prohibitions on parking;
- 21) In a space designated with a sign for 'Disabled/Veteran' persons or when the vehicle does not display the distinguishing registration plate, windshield placard, or disabled/veteran registration plate or placard issued pursuant to G.S. 20-37.6 or G.S. 20-79.4;
- 22) Within fifteen (15) feet of a traffic calming device (speed hump);
- 23) On any street that tapers in width;
- 24) In a marked off parking space in a manner that its overall dimensions are not entirely within the parking space as marked off;
- 25) In any metered space without making proper payment thereof;

- 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.