

HOW CODE READS IF AMENDED

ARTICLE VI. - STOPPING, STANDING AND PARKING

DIVISION 1. GENERALLY

Sec. 10-201. Definitions.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Driveway. An area allowing ingress and egress to private residences that is not open to public vehicular traffic.

Intersection. The lateral edge of roadway lines of two or more streets or highways which join one another at any angle regardless whether one such street or highway crosses the other.

Motorcycle. A vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including, motor scooters, and motor-driven bicycles but excluding tractors and utility vehicles equipped with an additional form of device designed to transport property, three-wheeled vehicles while being used by law-enforcement agencies, electric assisted bicycles, and mopeds.

Moped. A non-passenger vehicle, other than a motor-driven bicycle or electric assisted bicycle, that has two or three wheels, no external shifting device, a motor that does not exceed 50 cubic centimeters piston displacement and cannot propel the vehicle at a speed greater than 30 miles per hour on a level surface. The motor may be powered by electricity, alternative fuel, motor fuel, or a combination of each.

Owner. A person holding legal title to a vehicle. For the purposes of this article, the lessee of a vehicle shall be considered the owner of the vehicle.

Park. The standing of a vehicle, whether occupied or not, other than temporarily for the purpose of loading or unloading.

Passenger Vehicle. Registered golf carts, motorcycles, and four-wheel vehicles, including pick-up trucks, panel trucks, and vans which do not exceed 10,000 pounds, which are not used in a delivery or freight business and/or to carry passengers for a fee.

Property-Hauling Vehicles.

(a) Vehicles used for the transportation of property.

(b) Semitrailers. Vehicles without motive power designed for carrying property or persons and for being drawn by a motor vehicle, and so constructed that part of their weight or their load rests upon or is carried by the pulling vehicle.

(c) Trailers. Vehicles without motive power designed for carrying property or persons wholly on their own structure and to be drawn by a motor vehicle.

Public Right-of-Way. A strip of land acquired for or dedicated to public transportation purposes over which is constructed a street or highway and which includes areas adjacent thereto which may be used for, without limitation, sidewalks, planting strips, traffic circles, and/or medians.

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

Street/Highway. The entire width of a roadway between property or right-of-way lines when any part thereof is open to the use of the public for the purpose of vehicular traffic.

Vehicle. Every device in or upon which any person or property may be transported or drawn upon a street or highway excepting devices moved by human power or used exclusively upon stationary rails or tracks provided that, for the purpose of this chapter, a bicycle, moped, or a ridden animal shall be deemed a *Vehicle* but shall not be deemed a *Passenger Vehicle*.

Sec. 10-202. Obedience to Police.

No person shall refuse to comply with any lawful order or direction of a police officer.

Sec. 10-203. Civil penalty for violations.

(a) Any owner or operator of a vehicle violating the provisions of this article shall be subject to a civil penalty in the amount of fifty dollars (\$25.00) for each violation.

(b) *Generally.* The owner or operator of any vehicle who has been notified of a violation of this article may, within the time specified in the notice, present himself or herself by mail or in person with the notice or ticket at the Police Department and answer the violations noted thereon by voluntarily paying the civil penalty specified on the notice or ticket. Any vehicle owner/operator receiving a notice or ticket hereunder shall be permitted to pay the civil penalty without contesting the violation by appearing in person at the Town of Kure Beach, 117 Settlers Lane, Kure Beach, NC 28449 within 15 days of issuance of the notice or ticket.

(c) *Construction.* The civil penalty provided for herein shall in no event be construed to be enforced fines or forfeitures and shall instead be construed as civil penalties which offenders may voluntarily pay for violations of this article. Such penalty shall be paid within 15 days of the issuance of the notice or ticket or the civil penalty shall be recovered by the town in a civil action in the nature of a debt.

(d) *Disposition of proceeds.* All civil penalties paid to the town for violations of this article shall be paid into the town's General Fund.

Sec. 10-204. Ticketing of vehicles.

(a) *Required.* Whenever an officer of the town's Police Department charged with enforcing this article finds that any of its provisions are being or have been violated by the owner

or operator of a vehicle, the officer shall notify the owner or operator of the violation by conspicuously attaching a notice or ticket, in such form as the Police Chief may determine, to the vehicle.

(b) *Contents.* The notice or ticket shall require the owner or operator to appear before the Police Chief or his or her designee within 15 days after such notice is given and answer to same or to return such ticket or notice by mail with the civil penalty provided for in Sec. 10-203 above. Failure to meet this deadline shall result in a twenty-five dollar (\$25.00) late fee.

(c) *Personal appearance.* The personal appearance of the owner or operator receiving a notice or ticket shall not be necessary provided that the payment of the civil penalty is received by the town within 15 days of the notice or ticket's issuance.

Sec. 10-205. Towing and impoundment.

(a) Any motor vehicle found parked in violation of this article may, in accordance with the provisions of N.C.G.S. § 160A-303 and Chapter 11, Sec. 11-62 of the Town Code of Ordinances, be deemed as an abandoned vehicle and be subject to towing and impoundment without prior notice to the owner.

(b) In the event a vehicle is towed and impounded under this section, post-hearing notice requirements, the owner's right to a probable cause hearing on the towing, redemption of the vehicle, and the sale and disposition of unclaimed vehicles shall be as set forth in Chapter 20, Article 7A of the North Carolina General Statutes and the provisions of Chapter 11, Secs. 11-63 through -66 of the Town Code of Ordinances.

Secs. 10-206—10-221. Reserved.

DIVISION 2. PARKING RULES

Sec. 10-222. Parking in general and manner of parking.

(a) Passenger vehicles shall be parked only in designated parking spaces excepting property owners and lessors in the town's residential districts who shall be permitted to park their vehicles within the front yard setback of the property they own or lease in accordance with the applicable provisions of chapter 19 of the town code.

(b) Passenger vehicles when parked in designated spaces for parallel parking shall be so parked that the curbside wheels of the vehicle shall not be more than twelve (12) inches from the curb.

(c) Passenger vehicles when parked in designated spaces for diagonal parking shall be so parked that the vehicle's front wheels are immediately adjacent to the curb or parking bumper.

(d) Passenger vehicles shall be parked in designated parking spaces such that the overall dimensions of the vehicle shall be entirely within the parking space as designated.

(e) Violations of this section shall subject the offender to the imposition of a civil penalty as provided for in Sec. 10-203 herein.

(f) The prohibitions in this article shall not apply to emergency and public service vehicles whose operators are performing services for which they are responsible not shall these prohibitions apply to vehicles belonging to or operated by employees of third-party vendors under contract with the town to provide a public service.

Sec. 10-223. Non-passenger vehicles.

Only passenger vehicles shall be permitted to park in the town's designated parking spaces and all other vehicles, including property-hauling vehicles, are prohibited from parking in the designated spaces.

Sec. 10-224. Designation of parking spaces, areas, and zones.

(a) The public works department shall, when authorized and directed to do so by town council, lay off and designate by appropriate signage and markings, parallel and diagonal parking spaces, limited parking spaces, reserved parking spaces, loading zones, and no parking areas.

(b) Parallel and diagonal parking spaces shall be marked on the ground and each space shall not exceed 20 feet in length.

Sec. 10-225. Parking in time-limited spaces.

Whenever a parking space is signed and marked as limiting the time or conditions under which a vehicle may be parked, no person shall park or let stand a vehicle in such space except in conformity with the signs and markings erected thereat.

Sec. 10-226. No parking areas.

Whenever signs or markings are placed, erected, or installed giving notice thereof, no person shall park a vehicle at any time in an area signed or marked as a no parking area.

Sec. 10-227. Stopping in streets prohibited; exceptions.

No vehicle shall stop in or on any street, except for the purpose of parking as prescribed in this chapter, unless such stop is made necessary by the approach of emergency vehicles, the approach of a funeral or other procession which is given right-of-way, or by some other emergency. In all cases covered by these exceptions, the vehicle shall be stopped so as not to obstruct any pedestrian walkway, safety zone, bike or multi-use path, crosswalk or intersection if it can be avoided.

Sec. 10-228. Parking for certain purposes prohibited.

No person shall stand or park a vehicle on any part of a public right-of-way for the purpose of:

- (a) Displaying it for sale.
- (b) Washing, cleaning, waxing, greasing or repairing the vehicle, excepting repairs necessitated by an emergency.
- (c) Vehicle storage by a garage, mechanic, repair shop, dealer or some other person/entity.
- (d) Storage of any detached trailer or van, when the towing unit has been disconnected.
- (e) Transferring merchandise or freight from one vehicle to another.
- (f) Using the vehicle for advertising.
- (g) Overnight parking except in designated parking spaces or as otherwise provided for herein; "overnight" meaning, for the purpose of this sub-section, between the hours of sunset and sunrise.

Sec. 10-229. Parking prohibited at certain places.

Whether the vehicle is attended or unattended, no person shall stop, stand, or park any portion of any vehicle, except when conflict with other traffic is imminent or when directed to do so by a police officer or traffic-control device, in any of the following places:

- (a) On a sidewalk.
- (b) In a crosswalk.
- (c) In a bike or multi-use path.
- (d) Within an intersection.
- (e) Within 10 feet of an intersection.
- (f) In front of a driveway.
- (g) Within 10 feet of a fire plug or hydrant.
- (h) On any part of a public right-of-way facing opposing traffic.
- (i) Within 15 feet, on the seaward side, of any private or public beach access points.
- (j) In a designated Handicapped parking space without the proper license plate, placard, or other evidence showing that a handicapped permit has been issued to the vehicle's operator by the proper authority.

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(k) Other than public right-of-ways as provided for herein, on any public property, including parking lots, parks, and recreational areas, except as permitted thereat, provided that, in accordance with N.C.G.S. § 160A-303 and Chapter 11, Sec. 11-62(2), any vehicle left on property owned by the town for longer than 24 hours will be deemed to have been abandoned and may be towed and impounded as provided for herein.

(l) On any part of a public right-of-way except by passenger vehicles in designated parking spaces as set forth in this article.

Sec. 10-230. Beach access parking.

It shall be unlawful for any person to park or leave standing in any public beach access parking area any passenger vehicle between the hours of 1:00 a.m. and 5:00 a.m. between the months of April 1 and October 1 of each year on the following beach access areas:

1342	Fort Fisher Blvd. S.	Ocean Dune
643	Fort Fisher Blvd. S.	E Avenue
541	Fort Fisher Blvd. S.	F Avenue
443	Fort Fisher Blvd. S.	G Avenue
343	Fort Fisher Blvd. S.	H Avenue
227	Fort Fisher Blvd. S.	I Avenue
139	Fort Fisher Blvd. S.	J Avenue
334	Fort Fisher Blvd. S.	N Avenue

Secs. 10-231—10-245. Reserved.