

PART II – CODE OF ORDINANCES

Chapter 36 TRAFFIC

CHAPTER 36 TRAFFIC

ARTICLE I. - IN GENERAL

Sec. 36.1. - Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them in this section. Definitions contained in N.C.G.S. 20-4.01 are hereby incorporated by reference and made a part hereof.

Authorized emergency vehicle. Vehicles of the fire department, police vehicles, emergency vehicles of municipal departments and such ambulances designated or authorized by the chief of police.

Block. A portion of any street located between two (2) intersections next adjacent to each other.

Business district. The territory contiguous to a street or highway when fifty (50) per cent or more of frontage thereon, for a distance of three hundred (300) feet or more, is occupied by buildings which are in use for business purposes.

Commercial loading zone. A place and portion of the city streets adjacent to the curb reserved for the exclusive use of vehicles during and only for the loading and unloading of materials and commercial freight.

Crosswalk. That portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections. Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Official time standard. Whenever certain hours are named herein they shall mean standard time or daylight saving time as may be in current use in the city.

Official traffic signals. Any device, whether manually or automatically operated, by which traffic is alternately directed to stop and to proceed.

Official traffic-control devices. All signs, signals, markings and devices not inconsistent with this chapter, placed or erected by authority of the governing body or an official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

Park. Means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers.

Passenger curb loading zone. A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

Pedestrian. Any person afoot.

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

Public conveyance. Any vehicle other than a taxicab or railroad train for transporting for fare.

Railroad. A carrier of persons or property, other than streetcars, with cars operated on stationary rails.

Railroad train. A steam engine, electric or other locomotive, with or without cars coupled thereto, operated upon rails.

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Residence district. The territory contiguous to a highway not comprising a business district, when the frontage of such highway, for a distance of three hundred (300) feet or more, is mainly occupied by residential dwellings but may also be occupied by dwellings or buildings which are in use for business purposes.

Right-of-way. That portion of a street which has been improved and designated for, or which is ordinarily used for, vehicular travel.

Safety zone. The area officially set apart within a roadway for the exclusive use of pedestrians, which area is either protected or plainly marked at all times while so set apart as a safety zone.

Sidewalk. That portion of a street between the curblines or the lateral lines of a roadway, and the adjacent property lines exclusively intended for the use of pedestrians.

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

Stop. When required, means complete cessation of movement.

Stop or stopping. When prohibited, means 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.

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

Traffic signs. Traffic signs are authorized signs or markers which are assumed to be permanently or temporarily placed, erected or installed at certain places and which purport to give notice of direction or to convey a prohibition or warning; the presence of such signs, though not compulsory, is generally dictated by necessity or common sense, with a view to furtherance of public safety. (Code 1959, § 19-1; Ord. No. 78-18, § 1, 4-18-78; Ord. No. 87-25, § 1, 6-2-87)

Sec. 36.2. Bicycles on sidewalks.

No person shall ride a bicycle on the sidewalk in the Central Business District as inclusively designated by Fifth Street on the western boundary, Lexington Avenue on the southern boundary, Webb Avenue on the eastern boundary and Church Street on the northern boundary.

All other sidewalks shall be for the joint use of pedestrians and non-motorized bicycles requiring manual power. Bicycles shall yield the right-of-way and avoid colliding with pedestrians.

(August 21, 2018 recodification)

Cross reference – Sec. 23-7 Skates and other human –powered motive devices.

Secs. 36.3 – 36.10. - Reserved.

Sec. 36.11. - Unlawful riding.

No person shall ride on any public conveyance or private vehicle, or any portion thereof, not designed or intended for the use of passengers. This provision shall not apply to any employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in spaces intended for merchandise.

No person when riding shall allow any part of his body to protrude beyond the limits of the vehicle in which he is riding, except to give such signals as are by law required, and no person shall hang onto any vehicle whatsoever. (Code 1959, § 19-10)

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Sec. 36.12. - Entering or riding vehicles without permission.

No person shall enter, jump on or ride any automobile or other vehicle without the consent of the owner or driver. (Code 1959, § 19-11)

Secs. 36.13, 36.14. - Reserved.

Sec. 36.15. - Placing glass, etc., in streets.

No person shall place upon any part of a public street, highway, land, road, street or alley, any tacks, bottles, wire, glass, nails or any other articles which may damage or injure any person, vehicle traveling along or upon such public street or way. (Code 1959, § 19-14)

Sec. 36.16. - Reserved.

Sec. 36.17. - Unnecessary noise.

- (1) No person shall operate a motor vehicle of any type on any street in the city in such a manner as to create unreasonable and unnecessary noise and said total noise from any vehicle shall be deemed unreasonable and unnecessary when the same exceeds the following noise limit for the category of motor vehicle based in a distance of fifty (50) feet from the center of the lane of travel under the following conditions:

| | Type of vehicle | Maximum allowable decibel limits (at a slow response) |
|-----|------------------------------------|--|
| (a) | Trucks and buses: | |
| | 1. Over 10,000 lbs. | 87 decibels |
| | 2. Under 10,000 lbs. | 80 decibels |
| (b) | Passenger cars | 78 decibels |
| (c) | Motorcycles and all other vehicles | 87 decibels |

- (2) The total noise from any vehicle shall be considered in determining violations of this article.
- (3) The police department shall adopt regulations establishing the test procedures and instrumentation to be utilized, provided, however, that the instrument utilized shall be maintained in calibration and good working order.
- (4) Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided in Section 1-4 of this Code. Each day such violation is committed or permitted to continue shall constitute a separate offense.
- (5) As an additional remedy, the operation or maintenance of any vehicle in violation of any provision hereof and which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction. (Ord. No. 74-9, 2-5-74)

Sec. 36.18. - Sound reproduction devices.

No person shall operate any megaphone, amplifier or other sound device in or on any vehicle on any street in the city from which music, speech or other sound is broadcast, uttered, sounded or given out by a loudspeaker or otherwise; provided, that nothing herein shall apply to ambulances, fire-fighting

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equipment or to traffic warning devices installed, maintained or operated by the city or to a radio receiver operated in a vehicle for the use of occupants thereof and not unreasonably loud. (Code 1959, § 19-15)

Secs. 36.19 -- 36.20. - Reserved.

Sec. 36.21. - Riding motorcycle without hands on handlebars.

No person shall operate a motorcycle on any street without having his hands upon the handlebars. (Code 1959, § 19-17)

Sec. 36.22. - Clinging to moving vehicles.

No person riding upon any motorcycle, bicycle, coaster, sled, roller skates or any other toy vehicle, shall attach the same or himself to any public conveyance or moving vehicle upon any roadway. (Code 1959, § 19-19)

Sec. 36.23. - Repairing vehicles restricted.

- (a) It shall be unlawful for any person to make any repairs to or replace any parts of any motor vehicles within those zones designated residential within the city except as hereinafter expressly permitted.
- (b) It shall be unlawful for any person to make any repairs to or replacements on any motor vehicles while said motor vehicles shall be upon a public street or alley within the city.
- (c) Provided, however, it shall not be unlawful to make any temporary or emergency repair of a minor nature while said vehicles are upon the public streets or while said vehicles are within residential districts of this city. Neither shall it be unlawful for any person to make such repairs upon their own property or upon their own vehicles when such repairs are made by the owners of the vehicle and no compensation is paid or fee charged for such repair or replacements.
- (d) Provided further, nothing contained in this section shall prohibit the making of emergency repairs upon the streets and alleys of the city when it shall appear reasonably necessary that repairs be made in this manner.
- (e) Nothing contained in this section shall prohibit automotive repairs or replacements from being conducted by mobile or transient operators when the same shall be done upon private property within the zoning districts of the city which permit the carrying on of a garage or automotive repair business. Provided further, that such repairs when made by mobile or transient operators upon private property must be done with the written consent of the owner or other persons in control of said private property where the repairs are conducted.

Sec. 36.24. Funeral processions. *(Formerly in "Parades" chapter)*

- (a) No vehicle shall be driven through a funeral procession, except fire department vehicles, police patrols and ambulances, when the same are responding to calls.
- (b) A funeral procession must be identified by each vehicle burning its headlights.
- (c) Any driver in a funeral procession shall drive as near to the righthand side of the road as possible and follow the vehicle ahead as nearly as possible and safe.
- (d) Upon the immediate approach of a funeral procession, drivers of other vehicles must yield the right-of-way to funeral vehicles, except as otherwise directed in subparagraph (a).
(Code 1959, § 19-89; Ord. No. 84-16, § 1, 2-21-84; Ord. No. 84-36, §§ 1, 2, 5-15-84)

36.25– 36.35. Reserved.

ARTICLE II. - PROCEDURES UPON ARREST

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Sec. 36.36. - Citations and arrests; provisions of state law to govern.

Citations and arrests for traffic violations shall be governed by the appropriate sections of N.C.G.S. Chapters 14, 15A and 20 regarding infractions. Sections 36.37 and 36.38 are retained as administrative guidelines for the enforcement of traffic violations or infractions.

Sec. 36.37. - When copy of citation deemed a lawful complaint.

In the event the form of citation provided under Section 36.36 includes information and is sworn to as required under the general laws of this state in respect to a complaint charging commission of the offense alleged in such citation to have been committed, then such citation, when filed with a court having jurisdiction, shall be deemed to be a lawful complaint for the purpose of prosecution under this chapter.

(Code 1959, § 19-33)

Sec. 36.38. - Notice on illegally parked vehicle.

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 officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and he shall conspicuously affix to such vehicle a notice of violation, on a form provided by the chief of police, for the driver to pay the civil penalty within ten (10) days during the hours and at a place specified in the notice. (Code 1959, § 19-35; Ord. No. 91-15, § 2, 5-21-91)

Secs. 36.38—36.54. - Reserved.

ARTICLE III. - OPERATION OF VEHICLES

Secs. 36.55—36.70. - Reserved.

Sec. 36.71. - Entering intersections and marked crosswalks restricted.

No driver shall enter an intersection or a 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, notwithstanding any traffic-control signal indication to proceed. (Code 1959, § 19-82)

Sec. 36.72. - Cruising.

- (a) In order to help prevent traffic congestion, obstruction of streets, sidewalks or parking lots, impediment of access of shopping centers or other buildings open to the public or the interference with the use of property, or the conduct of business in the area adjacent thereto, no person shall drive or permit a motor vehicle under his care, custody or control to be driven past a traffic-control point three (3) or more times within a two-hour period from 6:00 p.m. to 6:00 a.m., Monday through Friday, or from 3:00 p.m. to 6:00 a.m., Saturday or Sunday, in or around a posted "No Cruising" area.
- (b) At every point where a public street or alley becomes or provides ingress to a "No Cruising" area, there shall be posted a sign which designates "No Cruising" and gives the applicable time period. A "No Cruising" area is an area designated where no person shall drive or permit a motor vehicle under his care, custody or control to be driven past a traffic-control point three (3) or more times within a two-hour period.
- (b) A traffic-control point, as used in this section, means any point or points within the "No Cruising" area established by the police department for the purposes of monitoring cruising.

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- (d) No violations shall occur except upon the third passage by the same traffic-control point within the aforementioned two-hour period.
- (e) No area shall be designated or posted as a "No Cruising" area except upon passage of an ordinance by the council specifically mandating said designation and posting for a particular area, except such designations shall be made on a temporary basis as provided in section 2(d) of Ordinance No. 88-37.
- (f) This action shall not apply to in-service emergency vehicles, taxicabs for hire, buses and other vehicles being driven for business purposes.
- (g) Where there is a violation of any provision of this section, the city shall take the following actions:
 - (1) Any violation of this section shall subject the offender to a civil penalty in the amount of fifty dollars (\$50.00). Any duly authorized local government official is authorized to issue this civil citation, and the violator shall pay the penalty to the city tax collector's office within ten (10) days of receipt. The failure of such violator to pay the civil penalty within the specified time shall subject such violator to a civil action to collect all penalties and costs for such violation and any civil penalty that has not been paid [for] which delinquent notice was sent shall carry an additional late payment penalty of twenty-five dollars (\$25.00). Continued violation or continuing violations shall subject the violator to separate, distinct and successive civil penalties.
 - (2) In addition to or in lieu of remedies authorized in subsections (a) and (c) above, violations of this section may be prosecuted as a misdemeanor and punished as provided by North Carolina General Statutes, section 14-4, and shall be fined not more than fifty dollars (\$50.00) or imprisoned for not more than twenty (20) days and violators shall be subject to the provisions of G.S. 160A-175. (Ord. No. 88-37, § 1, 7-19-88; Ord. No. 89-24, § 1, 4-4-98; Ord. No. 95-25, §§ 1, 2, 5-16-95)

Sec. 36.73. - Illegal acceleration.

It shall be unlawful for the operator of a motor vehicle on a public street or alley or in a public parking lot to so accelerate his vehicle as to cause the tires thereof to unnecessarily spin so as to make a screeching noise or to cause the vehicle to move in an unsafe manner in the city. (Ord. No. 74-11, § 1, 2-19-74)

Secs. 36.74—36.88. - Reserved.

ARTICLE IV. - TRAFFIC-CONTROL SIGNS, DEVICES

Sec. 36.89. - Designation of traffic zones, through streets, etc.; erection and installation of devices.

The Traffic Commission, with the advice of the traffic division shall make recommendations to the city council regarding the designation of the following with the appropriate signs and markings: Parking spaces and zones, no-parking zones, limited parking zones, reserved parking zones, zones in which vehicles shall be parked at an angle to the curb, loading zones, safety zones, hospitals zones, quiet zones, traffic zones other than the above, crosswalks, truck routes, through streets, stop streets and intersections, yield-right-of-way intersections, one-way streets, streets to be laned for traffic, bicycle lanes, bus stops, taxicab stands and passenger loading zones. (August 21, 2018 recodification)

Whenever any designation is made in accord with this section, the traffic division shall erect and install such signs, markings, lines, signals and other traffic-control devices as may be necessary to clearly indicate such designation and to put drivers of vehicles on notice of the restriction, limitation or prohibition resulting from such designation.

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All designations made in accordance with this section shall be clearly shown and indicated on the official traffic-control map and regulation of parking signs, markings and other devices schedule on file in the office of the traffic division.

It is hereby further provided that the chief of police or his designee shall have the power to designate, lay off, and indicate with appropriate signs and markings temporary parking in areas where parking is otherwise prohibited, when and where said temporary parking, in the opinion of the chief of police or his designee, shall be required by extraordinary circumstances, is in the public interest, and where no satisfactory alternative parking facilities are available. (Code 1959, § 19-99; Ord. No. 81-15, § 1, 3-3-81; Ord. No. 87-25, § 1, 6-2-87)

Sec. 36.89.5. - Designation of commercial loading zones.

The city engineer shall have the power, with the approval of the city council, to erect street signs and/or appropriate street markings indicating commercial loading zones on certain streets or parts of streets in such a manner as he shall determine, after an engineering and traffic division investigation, to be of the greatest benefit and convenience to the adjacent business and to the general public, and every such loading zone shall be designated by an appropriate sign and/or signs and street markings. (Ord. No. 78-18, § 2, 4-18-78)

Sec. 36.90. - Obedience to devices.

No person shall drive, operate or use a vehicle upon the streets of the city contrary to any signs, signals or other traffic-control devices that are placed upon the streets for the purpose of directing traffic, except upon direction of a police officer and except as otherwise provided in this chapter. (Code 1959, § 19-100)

Sec. 36.91. - Necessity of signs; presumption of legality of devices.

No provision of this chapter for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in property position and sufficiently legible to an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective without signs being placed to give notice thereof.

Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence. (Code 1959, § 19-101)

Sec. 36.92. - Moving or damaging devices.

No person shall move, deface or otherwise damage any sign, signal or other traffic-control device placed upon the streets of the city. (Code 1959, § 19-102)

Sec. 36.93. - Stops at crossings restricted.

No railroad company, or its agents or employees, shall stop or permit their trains to be stopped across the streets of the city so as to hinder the free passage of vehicular or pedestrian traffic, for a longer time than five (5) minutes. (Code 1959, § 25-2) (*This section was formerly in "Railroads" chapter that has been deleted.*)

Secs. 36.94—36.95. - Reserved.

Sec. 36.96. - Display of unauthorized signs, signals or markings.

No person shall place, maintain or display upon or in view of any highway an unauthorized sign, signal, marking or device which purports to be, is an imitation of or resembles an official traffic-control device or

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railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of an official traffic-control device or any railroad sign or signal. (Code 1959, § 19-106)

Secs. 36.97—36.99. - Reserved.

Sec. 36.100. - Limitations on turning around.

No driver shall turn any vehicle so as to proceed in the opposite direction in the business district, except at street intersections. No vehicle shall make such a turn, even at street intersections, in the streets, or portions of streets, designated and signposted pursuant to Section 36.89. (Code 1959, § 19-110)

Sec. 36.101. - Truck routes.

- (a) Pursuant to Section 36.89, the city council may designate such truck routes within the city as may be necessary for the proper flow of traffic through the city.
- (b) The city council may, from time to time, establish weight restrictions on vehicles permitted to use designated streets. Any such street so designated as having load or weight limitations shall be marked by appropriate signs and a record of the same maintained in the traffic division. (Code 1959, § 19-111)

Sec. 36.102. - Reserved.

Sec. 36.103. - Driving in school zones; stopping for school guards mandatory.

Whenever authorized signs are placed designating any street or part thereof as a school zone pursuant to Section 36.89, drivers of vehicles using such street shall exercise the greatest care for the protection of children.

All persons driving vehicles in school zones when a school crossing guard is on duty are required to stop at the direction of said school crossing guard when said direction of any school crossing guard is given for the purpose of assisting school children to safely cross any said street. Those persons not stopping at the direction of any of said school crossing guards shall be in violation of this ordinance and shall be subject to North Carolina General Statutes, Section 14-4. (Code 1959, § 19-113; Ord. No. 83-2, § 2, 1-4-83)

Sec. 36.104. - Driving in quiet zones.

Whenever authorized signs are placed, erected or installed as a quiet zone pursuant to Section 36.89, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of such vehicle except in an emergency. (Code 1959, § 19-114)

Sec. 36.105. - Driving on play streets.

Whenever authorized signs are placed designating any street, or part thereof, as a play street pursuant to Section 36.89, no person shall drive a vehicle upon any such designated street, except persons who have business or who reside within the designated area and all such persons shall exercise the greatest care when driving upon any play street. (Code 1959, § 19-115)

Sec. 36.106. - Ratification of existing devices.

All traffic-control signs, signals, devices and markings placed or erected in the city prior to the adoption of this Code and in use for the purpose of regulating, warning or guiding traffic are hereby affirmed, ratified and declared to be official traffic-control devices, provided such traffic-control devices are not inconsistent with the provisions of this chapter or state law. (Code 1959, § 19-116)

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Sec. 36.107. - City traffic control maps.

The traffic division shall maintain at all times maps or listing indicating the location and types of all zones, traffic signs and devices which shall be known and referred to as "City of Burlington Official Traffic Control Maps." Such maps shall be amended from time to time as necessary to reflect additions or deletions to the regulations and shall be available for public inspection during regular office hours of the traffic division. (Code 1959, § 19-117; Ord. No. 87-25, § 1, 6-2-87; Ord. No. 87-47, § 1, 11-3-87)

Secs. 36.108—36.118. - Reserved.

ARTICLE V. - SPEED RESTRICTIONS

Sec. 36.119. - Maximum speed generally.

- (a) No person shall drive a vehicle on a highway or on any parking lot, drive, driveway, road, roadway, street or alley, upon the grounds and premises of any public or private hospital, college, university, benevolent institution, school, orphanage, church or any of the institutions maintained and supported by the state or any of its subdivisions, or upon the grounds and premises of any service station, drive-in theater, supermarket, store, restaurant or office building, or any other business or municipal establishment providing parking space for customers, patrons or the public at a speed greater than is reasonable and prudent under the conditions then existing.
- (b) Except as otherwise provided in this chapter, it shall be unlawful to operate a vehicle in excess of the following speeds:
 - (1) Twenty (20) miles per hour in any business district.
 - (2) Thirty-five (35) miles per hour within the city limits unless otherwise posted. (August 21, 2018 recodification)
- (c) The fact that the speed of a vehicle is lower than the foregoing limits shall not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding roadway or when special hazards exist with respect to pedestrians or other traffic or by reasons of weather or street conditions, and speed shall be decreased as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the street or highway, and to avoid causing injury to any person or property either on or off the street or highway, in compliance with legal requirements and the duty of all persons to use due care. (Code 1959, § 19-126)

Sec. 36.120. - Variation of maximum speed limits.

The city council may alter the maximum speed as established in Section 36.119 on any street or portion thereof which is not a part of the state highway system and which is not maintained by the state highway commission in accordance with the provisions of General Statutes of North Carolina, section 20-141(e); provided however, that no such alteration shall be less than twenty-five (25) miles per hour in a nonbusiness zone and twenty (20) miles per hour in a business zone. No such alteration of the speed limits shall become or remain effective unless signs have been conspicuously placed giving notice of such speed limit for such street. (Code 1959, § 19-127)

Sec. 36.121. - School zones.

It shall be unlawful for any person to operate or drive any vehicle at speeds exceeding twenty-five (25) miles per hour (unless otherwise indicated below) from 7:30 a.m. to 8:30 a.m. and from 2:15 p.m. to 3:45 p.m. in the following school zones:

| School Area | School/Academy Speed Districts |
|-------------|--|
| Andrews | Along McKinney Street from the intersection of McKinney Street and N. Church Street to |

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| Elementary | the intersection of McKinney Street and Berkley Road; and along N. Church Street from a point 710 feet northwestwardly of the intersection of N. Church Street and McKinney Street to a point 620 feet southeastwardly of the intersection of N. Church Street and McKinney Street (this section on Church St. is 35 mph during school times). |
| Blessed Sacramento | Along Davis Street from a point 75 feet west of the intersection of Davis Street and Fifth Street to a point 1200 feet west of the intersection of Davis Street and Hillcrest Avenue; along Hillcrest from the intersection of Davis Street and Hillcrest Avenue south to a point 1125 feet from the intersection of Davis Street and Hillcrest Avenue; and along High Street from the intersection of High Street and Hillcrest Avenue east to a point 675 feet from the intersection of High Street and Hillcrest Avenue. |
| Broadview Middle | Along Sellars Mill Road from a point 340 feet northwardly from the intersection of Broadview Drive and Sellars Mill Road to a point 280 feet southwardly from the intersection of Broadview Drive and Sellars Mill Road. |
| Burlington Christian | Along Sixth Street from the intersection of Tucker Street and Sixth Street northwestwardly to a point 1180 feet from the intersection of Tucker Street and Sixth Street; and along Tucker Street from the intersection of Tucker Street and Vanderford Street northeastwardly to a point 518 feet from the intersection of Tucker Street and Vanderford Street. |
| Eastlawn Elementary | Along Graham-Hopedale Road from a point 185 feet south of the intersection of Hilton Road and Graham-Hopedale Road north to the intersection of Graham-Hopedale Road and Holland Avenue; and along Vaughn Road from the intersection of Graham-Hopedale Road and Vaughn Road to the intersection of Vaughn Road and Camp Road. |
| Grove Park Elementary | Along Trail One from a point 565 feet south of the intersection of Trail One and Trail Eight north to the intersection of Trail One and Trail Seven; and along Trail Eight from the intersection of Trail Eight and Trail One to the intersection of Trail Eight and Trail Two. |
| Harvey Newlin Elementary | Along Albany Street from the intersection of Albany and Wrenn Street to the intersection of Albany and Whitsett Street; along Whitsett Street from the intersection of Whitsett Street and Albany Street to the intersection of Whitsett Street and Williamson Street; and along Carden Street from the intersection of Carden Street and Whitsett Street to the intersection of Carden Street and Albany Street. |
| Highland Elementary School | Bonnar Bridge Parkway from a point 450 feet east from the Highland Elementary access to a point 768 feet west from the Highland Elementary access. |
| Hillcrest Elementary | Along Davis Street from a point 359 feet south of the intersection of Davis Street and Melody Lane to a point 2289 feet south from the intersection of Davis Street and Melody Lane. |
| Smith Elementary | Along Delaney Drive from the intersection of Mebane Street and Delaney Drive to a point 1848 feet north of the intersection of Mebane Street and Delaney Drive; and along Mebane Street from a point 120 feet west of the intersection of Mebane Street and Blanche Drive to a point 1280 feet west of the intersection of Mebane Street and Blanche Drive. |
| Turrentine Middle | Along Edgewood Avenue from a point 640 feet east of the intersection of Edgewood Avenue and Hermitage Road to a point 970 feet west of the intersection of Edgewood Avenue and Hermitage; and along O'Neal Avenue from a point 1410 feet southwardly from the intersection of O'Neal Avenue and Edgewood Avenue to a point 2460 feet southwardly from the intersection of O'Neal Avenue and Edgewood Avenue. |

(Code 1959, § 19-128; Ord. No. 79-46, § 1, 9-4-79; Ord. No. 79-49, § 1, 9-18-79; Ord. No. 87-46, § 1, 11-3-87; Ord. No. 2002-1, § 1, 1-15-2002; Ord. No. 07-31, § 1, 8-21-07)

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Sec. 36.122. - Exemptions from article.

The speed limitations set forth in this article shall not apply to vehicles when operated with due regard for safety under the direction of the police in the chase or apprehension of violators of the law or persons charged with or suspected of any such violation, nor to fire department or fire patrol vehicles when traveling in response to a fire alarm, nor to public or private ambulances when traveling in emergencies, nor to vehicles operated by the duly authorized officers, agents and employees of the utilities commission when traveling in performance of their duties regulating and checking the traffic and speed of buses, trucks, motor vehicles and motor vehicle carriers subject to the regulations and jurisdiction of the state utilities commission. This exemption shall not, however, protect the driver of any such vehicle from the consequence of a reckless disregard of the safety of others.

(Code 1959, § 19-129; Ord. No. 87-25, § 1, 6-2-87)

Sec. 36.123. - Races.

It shall be unlawful for any person to engage in, promote or in anywise participate in any motorcycle or other motor vehicle race, including, but not limited to, so-called "drag races," within the corporate limits of the city and on any property owned or controlled by lease or agreement by the city.

(Code 1959, § 19-25.1)

Secs. 36.124—36.134. - Reserved.

ARTICLE VI. - STOPPING, STANDING, PARKING

DIVISION 1. – GENERALLY

Sec. 36.135. - Stopping in streets generally.

No vehicle shall stop in any street except for the purpose of parking as prescribed in this chapter, unless such stop is made necessary by the approach of fire apparatus, by the approach of a funeral or other procession which is given the right-of-way, by the stopping of a public conveyance, by the lowering of railway gates, by the giving of traffic signals, by the passing of some other vehicle or a pedestrian, or by some emergency; and in any case covered by these exceptions such vehicles shall stop so as not to obstruct any footway, pedestrian aisle, safety zone, crossing or street intersection if such can be avoided.

(Code 1959, § 19-140)

Sec. 36.136. - Unattended motor vehicles.

No person having control or charge of a motor vehicle shall allow such vehicle to stand on any street or highway in the city, unattended, without first effectively setting the brakes thereon and stopping upon any grade, without turning the front wheels of such vehicle to the curb or side of the street or highway. (Code 1959, § 19-142)

State law reference— Similar state law, G.S. § 20-163.

Sec. 36.137. - Emerging from driveways, etc.

The driver of a vehicle emerging from a driveway or building shall stop such vehicle immediately prior to driving onto the sidewalk area extending across any driveway, and shall yield the right-of-way to any pedestrian, as may be necessary to avoid collision, and upon entering the roadway, shall yield the right-of-way to all vehicles approaching on such roadway. (Code 1959, § 19-141)

Sec. 36.138. - Reserved.

Sec. 36.139. - Blocking entrances, exits, ways, etc., by parking.

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In any area set aside for the use of the public for parking vehicles therein, it shall be unlawful for any person to park or otherwise leave a vehicle stationary in such position as to interfere with the free entry into such parking area or withdrawal therefrom. It shall likewise be unlawful for any person, having entered such an area with a vehicle, to park such vehicle in such manner and in such position with reference to any other vehicle already parked therein as to interfere with the free movement of such other vehicle. It shall also be unlawful for any person to park any vehicle in such a manner that it will block or obstruct the passage of motor vehicles into or out of any alley or public or private driveway. (Code 1959, § 19-159)

Sec. 36.139.1. - Parking or standing in commercial loading zones.

No person shall stop, stand or park a vehicle for any purpose for any length of time other than for expeditious loading, unloading and delivery or pickup of the loading of materials and commercial freight in any place marked as a commercial loading zone during the hours between 8:00 a.m. and 6:00 p.m. In no case shall the stop for loading and unloading of materials or commercial freight exceed thirty (30) minutes. (Ord. No. 78-18, § 3, 4-18-78)

Sec. 36.139.2. - Violation of section 36.139.1; penalty.

Each owner or operator of a vehicle parked in violation of Section 36.139.1 within forty-eight (48) hours of the time when the notice of violation was attached to the vehicle shall pay to the traffic clerk or other officer in charge of the clerk's office as a penalty for and in full satisfaction of such violation the sum of five dollars (\$5.00). The failure of such owner or operator to make such payment within the specified time shall render such owner or operator subject to an arrest, as provided in Section 36.36 et seq. Notice of said penalty shall become a part of and displayed on the signs and other devices utilized for the designation of said commercial loading zones. (Ord. No. 78-18, § 4, 4-18-78)

Sec. 36.140. - Method of parking generally.

- (a) *Parallel parking.* Except as provided in subsection (b) of this section, all vehicles shall park parallel to the curb and not more than twelve (12) inches therefrom.
- (b) *Angle parking.* On streets or parts of streets designated and marked as zones for angle parking, as provided for in Section 36.89, automobiles and other vehicles shall be parked at an angle to the curb as indicated by such markings.
- (c) *Parking between lines.* On any street which is marked off with lines indicating the parking spaces for vehicles, the same shall be parked between such lines and it shall be unlawful for any person to park outside such lines. (Code 1959, § 19-149)

Sec. 36.141. - Parking with left side towards curb; parking on one-way streets.

No vehicle shall stop with its left side to the curb in the business district, except that on one-way streets vehicles shall stop headed in the direction of traffic. (Code 1959, § 19-148)

Sec. 36.142. - Obstructing passage of other vehicles.

No vehicle shall so stand on any street as to interrupt or interfere with the passage of other vehicles. (Code 1959, § 19-147)

Sec. 36.143. - Vehicles backed to curb.

In no case shall the driver or person in charge of any vehicle permit the same to remain backed up to curb, except when actually loading or unloading. (Code 1959, § 19-149)

Sec. 36.144. - Prohibited—In specified places.

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No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device in any of the following places:

- (a) On a sidewalk, between the curb and sidewalk or between the curbline or ditch line and the right-of-way line when there is no sidewalk.
- (b) Within an intersection, or within twenty (20) feet thereof.
- (c) On a crosswalk.
- (d) Within thirty (30) feet of any flashing beacon, stop sign or traffic-control signal located at the side of a street or roadway.
- (e) No vehicle shall park on either side of any street approaching a grade crossing within fifty (50) feet of the closest rail; provided, that where existing permanent structures are located along the street and closer than fifty (50) feet, parking may be permitted in front of such structures, unless otherwise prohibited, if such parking does not interfere with the view in either direction of an approaching locomotive or train.
- (f) Alongside or opposite any street excavation or obstruction, when such stopping, standing or parking would obstruct traffic.
- (g) Upon any bridge or other elevated structure.
- (h) Within fifteen (15) feet in either direction of the entrance to a hotel, hospital or any public building where the street is so marked.
- (i) On the roadway side of any vehicle stopped, standing or parked at the edge or curb of a street.
- (j) In front of a public or private driveway.
- (k) In front of any motion picture theatre, except bicycles.
- (l) Within fifteen (15) feet of a fire hydrant.
- (m) Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of the entrance when properly signposted.
- (n) At any place where signs prohibit parking.

(Code 1959, § 19-143)

Sec. 36.144.1. - Violation of section 36.144; penalty.

Each owner or operator of a vehicle parked in violation of any of the subsections of Section 36.144, may within forty-eight (48) hours of the time the notice of the violation was attached to his vehicle pay to the traffic clerk or other officer in charge in the clerk's office as a penalty for and in full satisfaction of such violation the sum of five dollars (\$5.00). The failure of such owner to make such payment within the specified time shall render such owner or operator subject to being cited as provided in Section 36.36 et seq. (Ord. No. 78-18, § 5, 4-18-78; Ord. No. 87-25, § 1, 6-2-87)

Sec. 36.145. - Parking for certain purposes prohibited.

No person shall stand or park a vehicle upon any street for the principal purposes of:

- (a) Displaying it for sale.
- (b) Repairing such vehicle, except repairs necessitated by an emergency.
- (c) 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 vehicles.
- (d) 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.
- (e) Advertising.

Nothing contained in this section shall be construed to prevent parking for purposes of foreclosure and judicial sales. (Code 1959, § 19-144; Ord. No. 86-50, § 1, 11-4-86; Ord. No. 87-25, § 1, 6-2-87)

Sec. 36.146. - Residential parking permit program.

- (a) *Residential parking permit program defined.* The residential [parking] permit program intends to make it possible for residents in a restricted no-parking area to have access to on-street parking.

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- (b) *Designation of areas.* The city council may designate controlled residential areas based on the criteria as recommended by the traffic commission and the engineering department:
- (1) The area shall either contain at least five (5) continuous block faces abutted by property primarily in residential zoning districts or shall be a contiguous expansion of an existing controlled parking area with the area being abutted by property primarily in residential zoning districts. A block face as used herein shall mean one (1) side of a street between two (2) intersecting streets.
 - (2) A petition identifying the boundaries of streets within the proposed controlled parking residential area had been presented to and accepted by the traffic commission requesting such designation and signed by adult residents from at least seventy (70) percent of the living units contained in each block of the proposed controlled parking residential area.
- (c) *Eligibility for parking permit.* Residents of the houses located in the restricted no-parking area shall be eligible to receive one (1) residential parking permit decal for each vehicle which is principally operated by the resident. The revenue collector shall verify the residence address of persons obtaining such decals and shall record on the face of the decal the license number of the vehicle. The residents shall be permitted to show a current vehicle registration, current utility bills, notarized affidavits of a landlord (in those instances that residents do not own property in the residential parking district), current lease agreement or a current driver's license displaying the current residential address to verify the address of residents applying for a parking permit.
- (d) *Parking decal.* Residential parking permit decal shall mean a special permit issued hereunder by the revenue collector and authorizing that a vehicle bearing such permit be allowed to be parked in a controlled residential parking area. The residential parking permit decal shall be attached to the left rear windshield of the vehicle for which issued and shall contain the vehicle license number, year of issue and identification number.
- (e) *Cost of parking permit.* The revenue collector shall issue the initial residential parking permit decals at no cost to the resident. If replacement permits are required there will be a cost of five dollars (\$5.00) each for the requesting resident. No residential parking permit decal shall be transferred to another vehicle.
- (f) *Guest passes.* Two (2) guest passes will be provided to each resident on an annual basis. There will be no replacements for lost permits. In the event of a special function such as a wedding, party, reception, or similar occasion a resident may contact the parking enforcement office at least five (5) working days prior to the event. Failure to provide advance notice could result in citations being issued.
- (g) *Validity.* Permits are valid for the fiscal year beginning July 1 and will expire at midnight on June 30.
- (h) *Hours.* Restricted no-parking area will be designated by signs stating no parking between 7:30 a.m. and 4:00 p.m. on school days in session.
- (i) *Restrictions.* No person shall display a residential parking permit decal on a vehicle unless such vehicle displays the same vehicle license number as shown on the residential parking permit decal and any such use or display except as authorized herein shall constitute a violation of this Code by the permittee and by the person who used or displayed the residential parking permit decal. It shall constitute a violation of this Code for any person to falsely represent himself as eligible for a residential parking permit decal or to furnish any false information in an application to the revenue collector in order to obtain a residential parking permit decal. The revenue collector is authorized to revoke the residential parking permit of any permittee found to be in violation of this section, and upon notification thereof, the permittee shall surrender such permit to the revenue collector. Failure to surrender a residential parking permit shall constitute a violation of this Code. A residential parking permit shall not guarantee or reserve to the holder a parking space within a designated controlled parking residential area. (Ord. No. 97-3, § 1, 2-18-97)

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Secs. 36.147—36.149. - Reserved.

Sec. 36.150. - Parking tank trucks.

No person shall park or permit to remain standing upon any street or public alley of the city, any transport tank truck, designed, constructed or used for the bulk transportation of gasoline or other petroleum products or other hazardous substances, whether the same be empty or loaded. (Code 1959, § 19-155; Ord. No. 87-25, § 1, 6-2-87)

Sec. 36.151. - Parking of oversize vehicles.

- (a) No person shall park any vehicle, which has a width in excess of ninety-six (96) inches, upon any of the streets of the city for a continuous period of time longer than thirty (30) minutes.
- (b) No person shall park buses, trucks, tractor-trailers, mobile homes, or any vehicle exceeding twenty-two (22) feet in length on public streets in business section for over fifteen (15) minutes or in a residential district for over a period of sixty (60) minutes.
- (b) This section shall not apply to motor vehicles momentarily stopped for the purpose of taking on or discharging passengers or loading or unloading freight at a point of origin or destination, nor shall it apply to motor vehicles accidentally and unavoidably disabled, provided such parking or stoppage is necessary for emergency repairs to permit such vehicle to be put in operating condition. (Code 1959, § 19-156; Ord. No. 85-75, 10-15-85)

Sec. 36.152. - Reserved.

Sec. 36.153. - Use of parking lots regulated.

- (a) *"Parking lot" defined.* A parking lot shall be defined for the purposes of this section as any area within the city on which more than ten (10) automobiles may be parked and shall include public parking lots and those parking lots which are for the principal purpose of providing parking during business hours for shopping centers, stores, restaurants, drive-ins, theaters and other business or commercial establishments.
- (b) *Congregation prohibited.* It shall be unlawful for more than ten (10) people to congregate on any one (1) parking lot in the city between the hours of 12:00 midnight and 6:00 a.m., if the closest part of such parking lot is within three hundred (300) feet of a private residence, excepting any person parking a vehicle on a lot or being on such lot for the purpose of patronizing a business establishment which is actually open for business between the hours of 12:00 midnight and 6:00 a.m.
- (c) *Enumeration of offenses.* It shall be unlawful for any person on a parking lot in the city between the hours of 12:00 midnight and 6:00 a.m., to do one (1) or more of the following:
 - (1) Talk in a loud or boisterous manner.
 - (2) Drink beer or any kind of alcoholic beverage.
 - (3) Throw any type of bottle, can, container, trash or paper on such parking lot.
 - (4) Use profanity or cursing in such a manner that those standing in the immediate vicinity of the person may hear the profanity or cursing.
 - (5) Make such noise or disturbance that persons living in homes or other dwelling accommodations within three hundred (300) feet of such parking lot are disturbed in their place of living and deprived of their peace and quiet. (Code 1959, § 19-161)

Sec. 36.154. - Handicapped parking.

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- (a) It shall be prohibited for any person to park or leave standing any vehicle in a space designated for handicapped persons or visually impaired persons when the vehicle does not display the distinguishing license plate, placard, or identification card or a disabled veteran registration plate as provided by state law.
- (b) It shall be prohibited for any person not qualified for the rights and privileges extended to handicapped or visually impaired persons to exercise or attempt to exercise such rights or privileges by the unauthorized use of a distinguishing license plate, placard, or identification card.
- (c) Any violation of this section shall subject the offender to a civil penalty in the amount of one hundred dollars (\$100.00). Any duly authorized local government official is authorized to issue this civil citation, and the violator shall pay the penalty to the city tax collector's office within ten (10) days of receipt. The failure of such violator to pay the civil penalty within the specified time shall subject such violator to a civil action to collect all penalties and costs for such violation, and any civil penalty that has not been paid which delinquent notice was sent shall carry an additional late payment penalty of fifty dollars (\$50.00). Continued violation or continuing violations shall subject the violator to separate, distinct and successive civil penalties. (Ord. No. 95-12, § 3, 4-18-95; Ord. No. 95-26, § 1, 5-16-95)

Sec. 36.155. - Fire lanes.

- (a) It shall be prohibited for any person to park or leave standing any vehicle in a space designated as a fire lane.
- (b) Any violation of this section shall subject the offender to a civil penalty in the amount of fifty dollars (\$50.00). Any duly authorized local government official is authorized to issue this civil citation and the violator shall pay the penalty to the city tax collector's office within ten (10) days of receipt. The failure of such violator to pay the civil penalty within the specified time shall subject such violator to a civil action to collect all penalties and costs for such violation and any civil penalty that has not been paid which delinquent notice was sent shall carry an additional late payment penalty of twenty-five dollars (\$25.00). Continued violation or continuing violations shall subject the violator to separate, distinct and successive civil penalties.
(Ord. No. 95-27, §§ 1, 2, 5-16-95)

Secs. 36.156—36.159. - Reserved.

DIVISION 2. - RESTRICTED, LIMITED PARKING

Sec. 36.160. - Designation of no-parking areas.

When signs are placed, erected or installed giving notice thereof, or the curbing has been painted yellow or red in lieu of such signs, no person shall park a vehicle at any time in any zone designated as a no-parking zone, as provided in Section 36.89. In the event that parking is prohibited in such zone only between certain hours, this section shall apply only between such hours, as indicated on the signs erected in such zone. Such zones shall be clearly and distinctly marked and indicated upon the official traffic-control and parking regulation signs, markings and other devices map on file in the office of the traffic division. (Code 1959, § 19-151)

Sec. 36.161. - Parking in limited parking zone.

Whenever a parking zone is designated in accord with Section 36.89, limiting the time or conditions under which such vehicle may be parked, no person shall park any vehicle in such zone, except in accord with the signs and markings erected therein. Such zones shall be clearly and distinctly marked and indicated upon the official traffic-control and parking regulation signs, markings and other devices map on file in the office of the traffic division. A change of position of a vehicle from one (1) point directly to another point in the same block shall be deemed one (1) continuous parking period. (Code 1959, § 19-152)

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Sec. 36.162. - Parking in bus stops or taxicab stands.

Whenever any bus stop or taxicab stand is designated and marked as provided in Section 36.89, no automobile or other vehicle shall be parked therein, except those for which the space or stand has been designated. (Code 1959, § 19-153)

Sec. 36.163. - Overtime parking.

- (a) If any vehicle shall remain parked in any parking space beyond the parking time limit therefor, such vehicle shall be considered as parking overtime and beyond the period of legal parking time. The parking of a vehicle overtime or beyond the period of legal parking time in any part of a street or parking lot where any such parking space is located shall be a violation of this division. It shall be unlawful for any person to permit any vehicle to remain or be placed in any parking space when said vehicle has already been parked beyond the period of time prescribed for such parking space.
- (b) Any person who shall permit any vehicle to be parked in violation of this division for more than one (1) permitted time period shall be subject to an additional penalty for each additional time period that such vehicle is illegally parked. (Ord. No. 73-1, § 19-303, 1-2-73)

Sec. 36.164. - Responsibility of owner and operators.

It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time established for any parking zone as described in this Code. (Ord. No. 73-1, § 19-304, 1-2-73)

Sec. 36.165. - Report of violations.

It shall be the duty of police officers or any other employee of the city, acting in accordance with instructions issued by the city manager, to report:

- (a) Number of violations of any provisions of this division.
- (b) The state license number of such vehicle.
- (c) The time during which such vehicle is parking in violation of any of the provisions of this division.
- (d) Any other facts the knowledge of which is necessary to a thorough understanding of the circumstances attending such violation. (Ord. No. 73-1, § 19-305, 1-2-73)

Sec. 36.166. - Notice of violation.

Each police officer or other city employee or other person as may be designated by the city manager shall attach to any vehicle which is parked in violation of the provisions of this division [article] a notice to the owner or operator thereof that such vehicle has been parked in violation and instructing such owner or operator to report at the office of the traffic clerk of the city in regard to such violation. (Ord. No. 73-1, § 19-305, 1-2-73; Ord. No. 95-12, § 1, 4-18-95)

Sec. 36.167. - Penalty.

Each owner or operator of a vehicle parked in violation of this division may, within forty-eight (48) hours of the time when the notice of violation was attached to his vehicle, pay to the traffic clerk or other officer in charge of the clerk's office, as a penalty for an in full satisfaction of such violation the sum of ten dollars (\$10.00). The failure of such owner or operator to make such payment within the specified time shall render such owner or operator subject to a civil action to collect all penalties and costs for said violation and any civil penalty that has not been paid which the delinquent notice was sent shall carry an additional late payment penalty of twenty dollars (\$20.00). (Ord. No. 73-1, § 19-305, 1-2-73; Ord. No. 87-25, § 1, 6-2-87; Ord. No. 91-15, § 1, 5-21-91; Ord. No. 97-17, § 1, 5-6-97)

Sec. 36.168. - Parking violation; civil penalty.

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Notwithstanding any other provision concerning the violation of any ordinance contained in Chapter 36, entitled Traffic of the City Code, any parking violation is, by virtue of the provisions of N.C.G.S. 160A-175, not subject to the penalty provision of N.C.G.S. 14-4. A violation of any such ordinance shall give rise to a civil penalty only as provided in N.C.G.S. 160A-175(c) and shall be enforced in the nature of a civil claim for relief against the offending party. (Ord. No. 73-1, § 19-306, 1-2-73; Ord. No. 91-15, § 2, 5-21-91)

Sec. 36.169. - Parking in municipal lots during certain hours.

Parking shall be permitted on an unlimited and two-hour basis in public off-street municipal lots as shall be designated by the appropriate street markings and signs with said parking to be prohibited between the hours of 11:00 p.m. and 6:00 a.m. unless otherwise designated by the city council and accordingly marked and posted. It is further provided that those violating this section, or registered owners allowing their vehicles to violate this section, shall be subject to having their vehicles towed in if found in violation of this section. (Ord. No. 78-56, § 1, 9-19-78; Ord. No. 87-25, § 1, 6-2-87)

Sec. 36.170. - Rental parking spaces established in designated municipal parking lots; fees; permit; violations.

- (a) Portions of certain municipal parking lots may be designated for rental purposes in accordance with City policies and procedures which may hereafter be amended in whole or in part.
- (b) The following municipal parking lots are designated as available for rental purposes:
 - (1) Lot 1: Webb Ave. (to rear of Company Shops/Occasions) from Lexington Ave to Spring Street
 - (2) Lot 2: Worth St. (Depot lot) from Front St. to Webb Ave.
 - (3) Lot 3: Worth St. (adjacent to Police Bldg.) from Front St. to Webb Ave.
 - (4) Lot 4: Worth St. to Front St. (to rear of Zack's and Boston Sandwich Shop buildings)
 - (5) Lot 5: Worth St. from Davis St. to Maple Ave. (adjoining City Annex Bldg.)
 - (6) Lot 6: Spring St. from Maple Ave. to Morehead St.
 - (7) Lot 7: Davis St. (to the rear of May Memorial Library Bldg.)
 - (8) Lot 8: Fifth and South Spring Streets.
- (c) The city manager or his designee shall establish administrative policies and procedures consistent with this section for the effective and efficient administration of this section which may include, among other provisions, issuance of permits, parking regulations, and parking code enforcement, including penalties for violations.
- (d) The City of Burlington reserves the right to add to or delete rental parking spaces, to change the location of such spaces, to change the regulations affecting rental parking and to discontinue the program at its own discretion.
- (e) Fees for rental parking space will be established annually by the city council.
- (f) To encourage and support business investment and residential development and living in the downtown area, the City Council may, based upon space availability and demand, lease blocks of parking spaces in designated municipal parking lots to (i) downtown businesses; (ii) downtown residential apartment building owners or apartment building property managers for use by its apartment tenants; and, (iii) residential condominium and townhouse homeowners associations ("HOA") for use by its members. In its support of downtown business investment and residential development, the City Council may enter into block parking space lease agreements on a fixed rate basis or on a rate basis subject to periodic cost adjustments.
- (g) The City of Burlington shall not be liable for any accidents, damages to persons, property or vehicles, or any other losses incurred by parking space renters or vehicle owners. Parking space renters, both

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individual and entities renting blocks of spaces, shall execute indemnification and hold harmless agreements in favor of the City.

- (h) Parking space renters shall execute an application and lease with the City which includes an agreement to abide by the rental parking regulations.
- (i) Individual parking space renters and block renter entities shall be responsible for taking any and all appropriate and legal action to remedy unauthorized use of said rental parking spaces. Accordingly, City parking enforcement officers will not investigate or issue violation notices for unauthorized use of rental parking spaces.
- (j) Leased parking spaces shall be used for the parking of vehicles and shall not be used for the parking of oversized motor vehicles including, but not limited to: recreational vehicles (RVs), motor homes, trailers, boats, tractor-trailer cabs, tractor-trailers, utility trailers, mobile homes, buses and storage units.
- (k) Entities leasing blocks of rental parking spaces maintain general liability insurance on said leased premises in claim amounts established by the City, naming the City as an additional insured.
- (l) Leases of parking spaces in municipal parking lots for individual spaces and blocks of spaces, shall comply with the provisions of N.C.G.S. §160A-272.
- (m) Parking privileges granted under this program are granted only for the time periods during which parking is allowed in municipal lots by other city ordinances or regulations. *Ordinance 17-14 of, June 6, 2017 repealed ordinance 87-25 of June 2, 1987*

Sec. 36.171. - Parking at city facilities.

Parking areas serving city facilities shall be limited to parking in connection with the use of city facilities and for conducting city business. All parking areas serving city facilities shall be appropriately marked as follows: "Parking Permitted for Use of City Facilities and City business: Violators shall be subject to prosecution under City Code section 36.36." (Ord. No. 89-17, § 1, 3-21-89)

Secs. 36.172—36.179. - Reserved.

ARTICLE VII. - PEDESTRIANS

Sec. 36.180. - Application of article.

Pedestrians shall be subject to traffic-control signals at intersections, as provided in this chapter, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this article. (Code 1959, § 19-199)

Sec. 36.181. - Duty of drivers.

Notwithstanding the provisions of this article, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway, shall give warning by sounding the horn when necessary and shall exercise proper precautions upon observing any child or any confused or incapacitated person upon a roadway. (Code 1959, § 19-206)

Sec. 36.182. - Right-of-way at crosswalks.

- (a) Where traffic-control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this article.

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- (b) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle. (Code 1959, § 19-200)

State law reference— Similar state law, G.S. § 20-173.

Sec. 36.183. - Crossing at other than crosswalk.

- (a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
- (b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.
- (c) Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk. (Code 1959, § 19-201)

State law reference— Similar state law, G.S. § 20-174.

Sec. 36.184. - Walking on traveled portion of street.

No pedestrian shall walk along the traveled portion of any street or highway unless sidewalks are not provided, in which event, such pedestrians shall walk on the extreme left-hand side of such street, and such pedestrians shall yield the right-of-way to approaching traffic. (Code 1959, § 19-202)

Sec. 36.185. - Soliciting rides.

No person shall stand in the traveled portion of a street or highway for the purpose of soliciting a ride from the driver of any private vehicle. (Code 1959, § 19-203)

State law reference— Similar state law, G.S. § 20-175.

Sec. 36.186. - Special provisions relative to blind pedestrians.

At any street, road or highway crossing or intersection, where the movement of traffic is not regulated by a traffic officer or by traffic-control signals, any blind or partially blind pedestrian shall be entitled to the right-of-way at such crossing or intersection, if such blind or partially blind pedestrian shall extend before him, at arm's length, a cane white in color or white tipped with red, or if such person is accompanied by a guide dog. Upon receiving such a signal, all vehicles at or approaching such intersection or crossing shall come to a full stop, leaving a clear lane through which such pedestrian may pass, and such vehicle shall remain stationary until such blind or partially blind pedestrian has completed the passage of such crossing or intersection. At any street, road or highway crossing or intersection, where the movement of traffic is regulated by traffic control signals, blind or partially blind pedestrians shall be entitled to the right-of-way if such person having such cane or accompanied by a guide dog shall be partly across such crossing or intersection at the time the traffic-control signals change, and all vehicles shall stop and remain stationary until such pedestrian has completed passage across the intersection or crossing.

Nothing contained in this section shall be construed to deprive any blind or partially blind person not carrying a cane white in color or white tipped with red, or being accompanied by a guide dog, of any of the rights and privileges conferred by law upon pedestrians crossing streets and highways, nor shall the failure of such blind or partially blind person to carry a cane white in color or white tipped with red, or to be accompanied by a guide dog, upon the streets, roads, highways or sidewalks be held to constitute or be evidence of contributory negligence by virtue of this section. (Code 1959, § 19-204)

State law reference— Blind pedestrians, G.S. §§ 20-175.1—20-175.3.

Sec. 36.187. - Unlawful use of white cane.

PART II – CODE OF ORDINANCES

Chapter 36 TRAFFIC

No person, except one who is wholly or partially blind, shall carry or use on any street or highway, or in any other public place a cane or walking stick which is white in color or white tipped with red. (Code 1959, § 19-205)

Secs. 36.188—36.195. - Reserved.

ARTICLE VIII. - TRAFFIC COMMISSION

Sec. 36.196. – Purpose.

The Traffic Commission shall study the traffic conditions and make recommendations to the city council for changes in traffic regulations, rules, or ordinances. (Ord. No. 99-12; May 4, 1999)

Sec. 36.197. Members

The Traffic Commission shall consist of nine (9) members appointed by the City Council.

Sec. 36.198. Appointment, Terms, Rules, etc.

Administrative provisions including but not limited to appointment, terms, expiration, removal, vacancies, concurrent service, compensation, officers, rules and quorum, place and time of meetings, special meetings, records and reports and fiscal restraint contained in Chapter 2, Article V, Division 1. "Provisions Applicable to All Boards and Commissions" shall apply to the Traffic Commission. (August 21, 2018 recodification)

Sec. 36.198. - Reserved.