



**ORDINANCE 2020-01**

**TOWN OF BELVILLE**

Introduced by: Athina Williams, Town Administrator

Date: January 27, 2020

**ON-STREET PARKING ORDINANCE**

**LEGISLATIVE INTENT/PURPOSE:**

**WHEREAS**, the North Carolina General Assembly has delegated certain police powers to municipalities to protect public health, safety, and welfare;

**WHEREAS**, the Belville Board of Commissioners (“Board”) hereby finds that the provisions set forth herein will regulate, limit and prohibit actions, omissions, and other conditions related to on-street parking which are or could be detrimental to public health, safety, and welfare;

**WHEREAS**, the Board also finds that regulating on-street parking will promote safe and reasonable use of the Town’s streets and roads; and

**WHEREAS**, the Board further finds that the ordinance set forth herein is consistent with the constitutions and laws of the State of North Carolina and the United States:

**THEREFORE, BE IT ORDAINED**, by the Board in a meeting duly noticed and assembled, as follows:

**ARTICLE I. TITLE**

**Sec. 1-1.** The title of the ordinance set forth herein shall be the On-Street Parking Ordinance.

**ARTICLE II. INTERPRETATION AND DEFINITIONS**

**Sec. 2-1.** This ordinance shall be construed broadly and liberally so as to regulate on-street parking on all State and Town maintained streets and public right-of-ways within the Town’s corporate limits.

**Sec. 2-2.** The term “Town Manager” as used herein shall mean the Town Manager or any person designated by the Town Manager as having delegated authority hereunder.

**Sec. 2-3. Definitions.** The following words, terms and phrases, when used in this ordinance shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning.

1. *Driveway* means an area allowing ingress and egress to private residences that is not open to public vehicular traffic.

2. *Commercial Vehicle* means a vehicle owned or used by a business, corporation, limited liability company, association, partnership, a sole proprietorship or any other entity conducting business for a commercial purpose.

3. *Intersection* means 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.

4. *Motorcycle* means 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 autocycles, 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 as defined herein.

5. *Owner* means 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.

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

7. *Passenger Vehicle* means registered golf carts, motorcycles, mopeds, 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.

8. *Property-Hauling Vehicle* means a vehicle used for the transportation of property, such as trailers, recreational vehicles (RV's), and boats.

9. *Public Right-of-Way* means a strip of land 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, utilities, and/or medians.

10. *Standing* means to halt a vehicle, for reasons not required under any traffic law, while receiving or discharging passengers, waiting for passengers, or receiving or discharging merchandise or other goods.

11. *Street/Highway* means the width of a roadway between right-of-way lines that is open to the use of the public for the purpose of vehicular traffic.

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

### ARTICLE III. PROHIBITED PARKING

**Sec. 3-1.** No person, except the operator of an emergency vehicle during an emergency or a law enforcement officer or other public employee required to so park in the performance of their duties, shall park any vehicle on any street in any of the following locations:

1. In such a manner as to leave available less than twelve (12) feet of the width of the roadway for the free movement of vehicular travel,

2. In front of a private driveway as provided in G.S. 20-162; or directly across from a private driveway.

3. Within fifteen (15) feet in either direction of a fire hydrant or the entrance to a fire station as provided in G.S. 20-162.

4. Upon any public vehicular area, street, highway, or roadway in any area designated as a fire lane.

5. Within twenty-five (25) feet of the intersection of curb lines, or if none, then within fifteen (15) feet of the intersection of property lines at an intersection of highways, except that this subsection shall not apply to buses temporarily stopping in properly designated locations.

6. Within an intersection or in front of any alley.

7. Within twenty (20) feet of any ground-mounted traffic signal, stop sign or yield sign.

8. On a sidewalk, sidewalk area or plaza, sidewalk extension through a driveway.

9. On the roadway side of any vehicle stopped, standing, or parked at the edge of a curb or street; *i.e.*, no double parking.

10. Alongside or opposite any street excavation or obstruction when such parking or standing would obstruct traffic.

11. Upon any bridge, overpass or other elevated structure or within any tunnel or other underpass structure.

12. On either side of any street at the approaches to a bridge, an underpass, or an overhead bridge within fifty (50) feet in either direction of the outer edge of such structure.

13. On either side of any street leading to a grade crossing within fifty (50) feet of the closest rail; provided that where existing permanent structures are located closer than fifty (50) feet parking may be permitted in front of such structures unless otherwise prohibited, and if such parking does not block the view in either direction of the approach of a locomotive or train.

14. On the left side of any street in the direction of vehicular travel, except where permitted on one-way roadways.

15. In any marked bus stop, except for buses.

16. Within any marked traffic lane.

17. On any median.

18. On any crosswalk.

19. 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.

20. Within twenty (20) feet of a crosswalk or handicap ramp.

21. In a bike or multi-use path.

22. In any designated street parking space or other approved parking area in a right-of-way for more than a twenty-four (24) hour continuous period of time.

#### **ARTICLE IV. PARKING**

**Sec. 4-1.** Parking is allowed within a public right-of-way as follows:

1. Passenger Vehicles shall be parked only in designated parking spaces, except for property owners and lessors in the Town's residential districts who shall be permitted to park their vehicles, without time restrictions, on the unpaved portion of the right-of-way abutting their front yard.

2. Parking in areas not set forth in subsection (1) of this section and not specifically prohibited under Article III above is not allowed.

**Sec. 4-2. Parking Restrictions for Commercial Vehicles and Property-Hauling Vehicles.**

1. No person shall park any Property-Hauling Vehicle on any right-of-way within the Town or in any designated parking spaces.

2. No person shall park a Commercial Vehicle on any right-of-way within the Town between the hours of 9:00 p.m. and 6:00 a.m. provided that parking a Commercial Vehicle in such a manner while the operator is actively engaged in business shall not be a violation of this section. In the event a notice or ticket is issued against a Commercial Vehicle for a violation of this subsection, the burden of proof shall be on the operator of that vehicle to show that he/she was actively engaged in business at the time the notice/ticket was issued.

3. Commercial Vehicles may park on residential streets for the purpose of providing deliveries and services between the hours of 6:00 a.m. and 9:00 p.m.

**Sec. 4-3.** The Town Manager may install parking-related signage, curb markings, space markings, parking bumpers, and other traffic control devices to indicate where parking and standing are permitted, limited, and/or prohibited as set forth herein provided that enforcement of this ordinance is not dependent or conditioned on the installation of any such devices.

**ARTICLE V. ENFORCEMENT**

**Sec. 5-1. Civil Penalty for Violations.**

1. Any owner or operator of a vehicle violating the provisions of this ordinance shall be subject to a civil penalty in the amount of twenty-five dollars (\$25.00) for each violation; provided that an owner or operator of a vehicle illegally parked in a designated handicapped parking space in violation of Section B herein shall be subject to a civil penalty in the amount of two hundred and fifty dollars (\$250.00).

2. The owner or operator of any vehicle receiving a notice or ticket for a violation of this ordinance shall be permitted to pay the civil penalty without contesting the violation by, within the time specified in the notice/ticket, mailing the payment of the civil penalty to or appearing in person with the payment at Town Hall, 63 River Road, Belville, NC 28451.

3. The civil penalty provided for herein shall in no event be construed to constitute an enforced fine or forfeiture and shall instead constitute a civil penalty which offenders may voluntarily pay. Unpaid civil penalties may be collected by the Town in the nature of a debt through a civil action.

4. All civil penalties paid to the Town for violations of this ordinance shall be paid into the town's General Fund.

## **Sec. 5-2. Ticketing of Vehicles.**

1. Required. Whenever the Town Manager finds that any provision of this ordinance has been violated by the owner or operator of a vehicle, the Town Manager, or appointed designee shall notify the owner or operator of the violation by conspicuously attaching a notice or ticket to the vehicle.

2. Contents. The notice/ticket shall require the owner or operator to appear before the Town Administrator within fifteen (15) days after the date on which the notice/ticket was issued and pay the civil penalty or return the notice/ticket to the Town Manager by mail together with a payment of the civil penalty specified on the notice/ticket. Failure to pay the civil penalty on a timely basis shall result in the imposition of a twenty-five dollar (\$25.00) late fee.

3. Personal appearance. The personal appearance of the owner or operator receiving a notice/ticket shall not be necessary provided that the payment of the civil penalty is received by the Town within fifteen (15) days after the date on which the notice/ticket was issued.

## **Sec. 5-3. Appeals.**

1. The issuance of a notice/ticket may be appealed by the owner or operator in writing and delivered to the office of the Town Manager within ten (10) days after the date on which the notice/ticket was issued. The notice of appeal shall include the appealing party's mailing address. Any person failing to timely deliver an appeal in the manner prescribed herein shall be deemed to have abandoned his/her right to appeal.

2. Appeals shall be heard by the Town Manager within thirty (30) after the date on which the ten (10) day period for appealing has expired. The Town Manager shall provide written notice of the date, time, and location of the appeal hearing to the appealing party via first-class mail. At the conclusion of the appeal hearing, the Town Manager shall issue a written decision. The decision of the Town Manager shall be final.

3. Lack of knowledge of the Town's parking regulations, conflicts or tardiness in going to or returning from appointments, or the inability to find a valid parking space shall not constitute acceptable grounds for granting relief to an appealing party.

## **ARTICLE VI. TOWING AND IMPOUNDMENT**

**Sec. 6-1.** Any vehicle found parked in violation of this ordinance may, in accordance with the provisions of N.C.G.S. § 160A-303, be deemed an abandoned vehicle and be subject to towing and impoundment without prior notice to the owner or operator.

**Sec. 6-2.** 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, 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 or any amendments thereto.

**ARTICLE VII. GENERAL PROVISIONS**

**Sec. 7-1.** All ordinances, parts of ordinances, and policies which conflict with this ordinance are hereby repealed to the extent of such conflict.

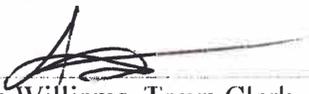
**Sec. 7-2.** If any section, subsection, paragraph, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

**Sec. 7-3.** This ordinance shall be effective immediately upon its adoption.

  
Mike Allen, Mayor

Adopted at a regular meeting  
on January 27, 2020.

ATTEST:

  
Athina Williams, Town Clerk

APPROVED AS TO FORM:

  
Town Attorney

