

## Chapter 20 TRAFFIC AND VEHICLES<sup>1</sup>

### *ARTICLE I. IN GENERAL*

#### **Sec. 20-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Business district* means those districts specified on the official Spring Hope Zoning Map as either the General Business District or the Central Business District. Regulations surrounding what types of businesses that are allowed in those districts are outlined in chapter 26, zoning.

*Crosswalk* means that portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections. The term "crosswalk" includes any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

*Driveway* means any driveway not open to the use of the public for purposes of vehicular travel.

*Emergency vehicles* means vehicles of the fire department, police vehicles, and such county emergency vehicles as designated by the town and the county.

*Intersection* means the area embraced within the prolongation of the lateral curblines or if none, then the lateral boundary lines of two or more highways which join one another at an angle, whether or not one such highway crosses the other.

*Motor vehicle* means every vehicle which is allowed to operate on the roadway by the state.

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

*Park* means the standing still of a vehicle whether parked in a marked parking space, or parked for the purpose of loading and/or unloading material.

*Pedestrian* means any person afoot.

*Police officer* means every officer of the town police department or any officer authorized to direct or regulate traffic or to make arrests for violation of traffic regulations. The term "police officer" includes the county sheriff's deputies and the state highway patrol troopers.

*Roadway* means that portion of a street improved, designed, or ordinarily used for vehicular travel.

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

*Stop*, when required, means complete cessation of movement.

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<sup>1</sup>State law reference(s)—Motor vehicles, G.S. 20-1 et seq.; power of local authorities, G.S. 20-169.

Cross reference(s)—Public nuisances: Nuisances prohibited and enumeration; civil penalties, §§ 10-3, 10-4

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*Traffic* means pedestrians, motorized vehicles, or other modes of transportation using any street for purposes of travel.

(Prior Code, ch. VI, § 1)

### **Sec. 20-2. Civil penalties for violation of certain sections.**

- (a) Any violation of sections 20-25, 20-26, 20-27, 20-28, 20-186, 20-211, and 20-231 shall not constitute a misdemeanor or infraction as provided in G.S. 14-4, but instead shall subject the offender to a civil penalty in the amount of \$50.00. Violators shall be issued a written citation which must be paid within 30 days of issuance.
- (b) Each day's continuing violation shall be a separate and distinct offense.
- (c) Notwithstanding subsection (a) of this section, sections 20-186, 20-211, and 20-231 may be enforced through equitable remedies issued by a court of competent jurisdiction.
- (d) The town manager, or his designee, is hereby authorized to file suit on behalf of the town to collect any unpaid civil penalties.
- (e) Any person assessed a civil penalty may appeal by filing a written notice of appeal with the town clerk within 30 days of issuance of the citation. Failure to file a notice of appeal within this time period shall constitute a waiver of the right to contest the civil penalty.
- (f) Appeals shall be heard by a hearing officer through a quasi-judicial process. A hearing officer's decision on a civil penalty appeal is subject to further review in the superior court of the county by proceedings in the nature of certiorari. Any petition for a writ of certiorari shall be filed with the clerk of superior court within 30 days after the date that the hearing officer's written decision is issued.

(Ord of 11-13-2006; Res. of 8-6-2012)

### **Sec. 20-3. Required obedience to traffic ordinance.**

The violation of this chapter or any state law may result in the issuance of a citation by either town police officers or any other police officer defined section 20-1. Further action may be taken if the offense is more serious than a minor traffic violation. See the state statutes for detailed laws.

(Prior Code, ch. VI, § 2)

### **Secs. 20-4—20-23. Reserved.**

## ***ARTICLE II. STOPPING, STANDING, PARKING<sup>2</sup>***

### **Sec. 20-24. Parking for handicapped drivers and passengers.**

Town police officers are authorized to enforce any provision of any state law governing the parking privileges of handicapped drivers or passengers. Nothing in this Code of Ordinances shall restrict town police officers from imposing the maximum fine authorized by state law for any violation of any provision of any state law governing the parking privileges of handicapped drivers and passengers.

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<sup>2</sup>State law reference(s)—Town's authority to regulate stopping and parking, G.S. 160A-301, 160A-302.

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(Res. of 8-6-2012)

**Sec. 20-25. Parking.**

- (a) Parking prohibited at all times in designated places. When signs have been erected that say "No Parking" or when curbing has been painted yellow in lieu of such signs, no person shall park a vehicle at any time upon any of the streets described.
- (b) Parking parallel to curb, unless otherwise directed. Where not otherwise indicated by this article, and where the street is not marked to show how vehicles shall park, all vehicles shall park parallel to the curb and not more than 12 inches from the curb.
- (c) Left side to curb not permitted in business district. No vehicle shall stop with its left side to the curb in the business districts, except that on one-way streets vehicles shall stop headed in the direction of traffic.
- (d) Parking within lines where provided. On any street which is marked off with lines indicating the parking spaces for cars, the same shall be parked between said lines.
- (e) Large trucks not permitted on residential streets. No truck having more than six wheels and having a rating of more than one ton nor any commercial trailer shall park on any street where the property abutting the street on either or both sides of the street can be used for residential purposes pursuant to chapter 26, zoning; provided, however, such parking shall be permitted on a temporary basis for the purpose of loading and unloading the truck or trailer.

(Prior Code, ch. VI, § 4; Res. of 1-8-2007)

**Sec. 20-26. Unlawful parking.**

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

- (1) Displaying it for sale.
- (2) Washing, greasing, or repairing such vehicle, except repairs as necessitated by an emergency.
- (3) Storage 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.
- (4) 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.

(Prior Code, ch. VI, § 5)

**Sec. 20-27. Parking vehicles for purpose of advertising prohibited.**

No person shall stand, or park on any street any vehicle for the primary purpose of advertising.

(Prior Code, ch. VI, § 6)

**Sec. 20-28. Stopping or parking prohibited in specified places.**

No person shall stop 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:

- (1) On the sidewalk.
- (2) On a crosswalk.

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- (3) Alongside or opposite a street excavation or obstruction, when such stopping or parking would obstruct traffic.
  - (4) Upon any bridge or other elevated structure or within any underpass structure.
  - (5) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

(Prior Code, ch. VI, § 7)

**Secs. 20-29—20-59. Reserved.**

## ***ARTICLE III. JUNKED, WRECKED, ABANDONED VEHICLES<sup>3</sup>***

### ***DIVISION 1. GENERALLY***

#### **Sec. 20-60. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abandoned vehicle*, as authorized and defined in G.S. 160A-303, means an abandoned motor vehicle that is left:

- (1) Upon a public street or highway in violation of a law or ordinance prohibiting parking;
- (2) On a public street or highway for longer than seven days;
- (3) On property owned or operated by the city for longer than 24 hours; or
- (4) On private property without the consent of owner, occupant or lessee thereof for longer than two hours.

*Authorizing official* means the supervisory employee of the police department or the city building inspector, respectively, designated to authorize the removal of vehicles under the provisions of this chapter.

*Junked motor vehicle*, as authorized and defined in G.S. 160A-303.2, means a vehicle that does not display a current license plate lawfully upon that vehicle and that:

- (1) Is partially dismantled or wrecked;
- (2) Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
- (3) Is more than five years old and appears to be worth less than \$100.00.

*Motor vehicle or vehicles* means all machines designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle.

*Nuisance vehicle* means a vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance and unlawful, including a vehicle found to be:

- (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests;
- (2) A point of heavy growth of weeds or other noxious vegetation over eight inches in height;

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<sup>3</sup>State law reference(s)—Authority to regulate and prohibit abandonment of junked motor vehicles, G.S. 160A-303.2.

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- (3) A point of collection of pools or ponds of water;
  - (4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor;
  - (5) One which has areas of confinement which cannot be operated from the inside, such as trunks, hoods, etc.;
  - (6) So situated or located that there is a danger of its falling or turning over;
  - (7) One which is a point of collection of garbage, food waste, animal waste or any other rotten or putrescible matter of any kind;
  - (8) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or
  - (9) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the city council.

State law reference(s)—Definition of junked motor vehicle, G.S. 160A-303.2(a).

### **Sec. 20-61. Abandoning certain motor vehicles prohibited.**

It shall be unlawful for any person, firm or corporation to keep, store, abandon, or leave junked motor vehicles or a motor vehicle incapable of being moved under its own power on any lot, public street, or any other area owned, occupied, or controlled by him within the corporate limits of the town.

(Prior Code, ch. VI, § 8)

### **Sec. 20-62. Storing wrecked vehicle in excess of 30 days prohibited.**

It shall be unlawful for any person to keep, store, abandon, or leave any motor vehicle that has been wrecked (minor damage vehicles not included) on any lot or other area owned, occupied or controlled by him within the corporate limits for a period in excess of 30 days, unless such motor vehicle is in the process of being repaired and capable of being moved under its own power.

(Prior Code, ch. VI, § 10)

### **Sec. 20-63. Storing vehicle that has been wrecked on public streets in excess of 24 hours prohibited.**

It shall be unlawful for any person, firm or corporation to store, keep, abandon, or leave any motor vehicle that has been wrecked on public streets within the corporate limits for a period in excess of 24 hours.

(Prior Code, ch. VI, § 11)

### **Sec. 20-64. Penalty.**

Any person, firm or corporation that violates the provisions of this article shall upon determination by the town manager of a violation shall be fined not exceeding \$100.00. Each day that a violation continues to exist shall constitute a separate offense. Violations shall not exceed 14 days, including weekends and holidays. In the event that the violation exceeds 14 days, a warrant for arrest may be taken out by the town for the person violating this article.

(Prior Code, ch. VI, § 12)

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**Secs. 20-65—20-86. Reserved.**

*DIVISION 2. ADMINISTRATION*

**Sec. 20-87. Responsibility for administering this article.**

- (a) The police department and city building inspector of the city shall be responsible for the administration and enforcement of this article.
- (b) The police department shall be responsible for administering the removal and disposition of vehicles determined to be abandoned on the public streets and highways within the city and on property owned by the city.
- (c) The city building inspector shall be responsible for administering the removal and disposition of abandoned, nuisance or junked motor vehicles located on private property.
- (d) The city may, on an annual basis, contract with private tow truck operators or towing businesses to remove, store and dispose of abandoned vehicles, nuisance vehicles and junked motor vehicles in compliance with this article and applicable state laws.
- (e) Nothing in this article shall be construed to limit the legal authority or powers of officers of the city police department and fire department in enforcing other laws or in otherwise carrying out their duties.

**Secs. 20-88—20-117. Reserved.**

*DIVISION 3. REGULATIONS AND REMOVAL*

**Sec. 20-118. Abandoned vehicle unlawful; removal authorized.**

- (a) It shall be unlawful for the registered owner or person entitled to the possession of a vehicle to cause or allow such vehicle to be abandoned as the term is defined in section 20-60.
- (b) Upon investigation, property authorizing officials of the city may determine that a vehicle is an abandoned vehicle and order the vehicle removed.

**Sec. 20-119. Nuisance vehicle unlawful; removal authorized.**

- (a) It shall be unlawful for the registered owner or person entitled to the possession of a motor vehicle or for the owner, lessee or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.
- (b) Upon investigation, the city building inspector may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle as defined in section 20-60 and order the vehicle removed.

**Sec. 20-120. Junked motor vehicle regulated.**

- (a) It shall be unlawful for the registered owner or person entitled to the possession of a junked motor vehicle or for the owner, lessee or occupant of the real property upon which a junked motor vehicle is located to leave or allow the vehicle to remain on the property after the vehicle has been ordered removed.

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- (b) It shall be unlawful to have more than one junked motor vehicle as defined herein on the premises of public or private property. A single, permitted junked motor vehicle must strictly comply with the location and concealment requirements of this article.
  - (c) It shall be unlawful for any owner, person entitled to the possession of a junked motor vehicle or for the owner, lessee or occupant of the real property upon which a junked motor vehicle is located to fail to comply with the locational requirements or the concealment requirements of this article.

### **Sec. 20-121. Removal.**

- (a) Subject to the provisions of section 20-122, upon investigation, the city building inspector may order the removal of a junked motor vehicle as defined in this chapter after finding in writing that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community, neighborhood or area appearance.
- (b) The following, among other relevant factors, may be considered:
  - (1) Protection of property values;
  - (2) Promotion of tourism and other economic development opportunities;
  - (3) Indirect protection of public health and safety;
  - (4) Preservation of the character and integrity of the community; and
  - (5) Promotion of the comfort, happiness and emotional stability of area residents.

### **Sec. 20-122. Permitted concealment or enclosure of junked motor vehicle.**

- (a) One junked motor vehicle in its entirety can be located in the rear yard as defined by chapter 26, zoning, if the junked motor vehicle is entirely concealed from public view from a public street and from abutting premises by an acceptable covering. The city building inspector has the authority to determine whether any junked motor vehicle is adequately concealed as required by this provision. The covering must remain in good repair and must not be allowed to deteriorate. The covering or enclosure must be compatible with the objectives stated in the preamble of this section.
- (b) More than one junked motor vehicle. Any other junked motor vehicles must be kept in a garage or building structure that provides a complete enclosure so that the junked motor vehicles cannot be seen from a public street or abutting property. A garage or building structure means either a lawful, nonconforming use or a garage or building structure erected pursuant to the lawful issuance of a building permit and which has been constructed in accordance with all zoning and building code regulations.

### **Sec. 20-123. Removal of abandoned, nuisance or junked motor vehicles; pre-towing notice requirements.**

- (a) Except as set forth in section 20-124, an abandoned, nuisance or junked vehicle which is to be removed shall be towed only after notice to the registered owner or person entitled to possession of the vehicle. In the case of a nuisance vehicle or a junked motor vehicle, if the names and mailing addresses of the registered owner or person entitled to the possession of the vehicle or the owner, lessee or occupant of the real property upon which the vehicle is located can be ascertained in the exercise of reasonable diligence, the notice shall be given by first class mail. The person who mails the notices shall retain a written record to show the names and addresses to which mailed and the date mailed. If such names and addresses cannot be ascertained or if the vehicle to be removed is an abandoned motor vehicle, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice

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indicating that the vehicle will be removed by the city on a specified date (no sooner than seven days after the notice is affixed). The notice shall state that the vehicle will be removed by the city on a specified date no sooner than seven days after the notice is affixed or mailed unless the vehicle is moved by the owner or legal possessor prior to that time.

- (b) With respect to abandoned vehicles on private property, nuisance vehicles and junked motor vehicles to which notice is required to be given, if the registered owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is abandoned, a nuisance vehicle or in the case of a junked motor vehicle that the aesthetic benefits of removing the vehicle outweigh the burdens, such appeal shall be made to the city council in writing, heard at the next regularly scheduled meeting of the city council; and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

### **Sec. 20-124. Exceptions to prior notice requirement.**

The requirement that notice be given prior to the removal of an abandoned, nuisance or junked motor vehicle may, as determined by the authorizing official, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare. Such findings shall, in all cases, be entered by the authorizing official in the appropriate daily records. Circumstances justifying the removal of vehicles without prior notice include:

- (1) *Vehicles abandoned on the streets.* For vehicles left on the public streets and highways, the city council hereby determines that immediate removal of such vehicles may be warranted when they are:
- a. Obstructing traffic;
  - b. Parked in violation of an ordinance prohibiting or restricting parking;
  - c. Parked in a no stopping or standing zone;
  - d. Parked in loading zones;
  - e. Parked in bus zones; or
  - f. Parked in violation of temporary parking restrictions imposed under Code sections.
- (2) *Other abandoned or nuisance vehicles.* With respect to abandoned or nuisance vehicles left on city-owned property other than the streets and highways and on private property, such vehicles may be removed without giving prior notice only in those circumstances where the authorizing official finds a special need for prompt action to protect and maintain the public health, safety and welfare. By way of illustration and not of limitation, such circumstances include:
- a. Vehicles blocking or obstructing ingress or egress to businesses and residences;
  - b. Vehicles parked in such a location or manner as to pose a traffic hazard; and
  - c. Vehicles causing damage to public or private property.

### **Sec. 20-125. Removal of vehicles; post-towing notice requirements.**

- (a) Any abandoned, nuisance or junked motor vehicle which has been ordered removed may, as directed by the city, be removed to a storage garage or area by the tow truck operator or towing business contracting to perform such services for the city. Whenever such a vehicle is removed, the authorizing city official shall immediately notify the last-known registered owner of the vehicle, such notice to include the following:
- (1) The description of the removed vehicle;



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- (2) The location where the vehicle is stored;
  - (3) The violation with which the owner is charged if any;
  - (4) The procedure the owner must follow to redeem the vehicle; and
  - (5) The procedure the owner must follow to request a probable cause hearing on the removal.
- (b) The city shall attempt to give notice to the vehicle owner by telephone; however, whether or not the owner is reached by telephone, written notice, including the information set forth in subsection (a) of this section, shall also be mailed to the registered owner's last-known address unless this notice is waived in writing by the vehicle owner or his agent.
  - (c) If the vehicle is registered in the State of North Carolina, notice shall be given within 24 hours. If the vehicle is not registered in the state, notice shall be given to the registered owner within 72 hours from the removal of the vehicle.
  - (d) Whenever an abandoned, nuisance or junked motor vehicle is removed, and such vehicle has no valid registration or registration plates, the authorizing city official shall make reasonable efforts, including checking the vehicle identification number, to determine the last-known registered owner of the vehicle and to notify him of the information set forth in subsection (a) of this section.

#### **Sec. 20-126. Right to probable cause hearing before sale or final disposition of vehicle.**

After the removal of an abandoned vehicle, nuisance vehicle or junked motor vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing must be filed in writing with the county magistrate designated by the chief district court judge to receive such hearing requests. The magistrate will set the hearing within 72 hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of G.S. 20-222, as amended.

#### **Sec. 20-127. Redemption of vehicle during proceedings.**

At any stage in the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed vehicle by paying the towing fee, including any storage charges, or by posting a bond for double the amount of such fees and charges to the tow truck operator or towing business having custody of the removed vehicle. Upon regaining possession of a vehicle, the owner or person entitled to the possession of the vehicle shall not allow or engage in further violations of this section.

#### **Sec. 20-128. Sale and disposition of unclaimed vehicle.**

Any abandoned, nuisance or junked motor vehicle which is not claimed by the owner or other party entitled to possession will be disposed of by the tow truck operator or towing business having custody of the vehicle. Disposition of such a vehicle shall be carried out in coordination with the city and in accordance with G.S. ch. 44A, art. I.

#### **Sec. 20-129. Conditions on removal of vehicles from private property.**

As a general policy, the city will not remove a vehicle from private property if the owner, occupant or lessee of such property could have the vehicle removed under applicable state law procedures. In no case will a vehicle be removed by the city from private property without a written request of the owner, occupant or lessee except in those cases where a vehicle is a nuisance vehicle or is a junked motor vehicle which has been ordered removed by the city building inspector. The city may require any person requesting the removal of an abandoned, nuisance or junked motor vehicle from private property to indemnify the city against any loss, expense or liability incurred because of the removal, storage or sale thereof.

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**Sec. 20-130. Protection against criminal or civil liability.**

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of an abandoned, nuisance or junked motor vehicle for disposing of such vehicle as provided in this article.

**Sec. 20-131. Exceptions.**

Nothing in this chapter shall apply to any vehicle which is:

- (1) Located in a bona fide automobile graveyard or junkyard as defined in G.S. 136-143, in accordance with the Junkyard Control Act, G.S. 136-141 et seq.;
- (2) In an enclosed building;
- (3) On the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise; or
- (4) In an appropriate storage place or depository maintained in a lawful place and manner by the town.

**Sec. 20-132. Unlawful removal of impounded vehicle.**

It shall be unlawful for any person to remove or attempt to remove from any storage facility designed by the town any vehicle which has been impounded pursuant to the provisions of this Code unless and until all towing and impoundment fees which are due, or bond in lieu of such fees, have been paid.

**Secs. 20-133—20-164. Reserved.**

***ARTICLE IV. TOWING VEHICLES***

**Sec. 20-165. Illegally parked vehicles; towing, storage, and return.**

The town manager and/or the police department and all members thereof are authorized to remove and tow away or have removed and towed away by commercial towing service, any vehicle illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant, is parked in a "no parking" zone, double parked, in front of driveways, has been abandoned, or is parked in a loading zone or one-hour zone, or obstructs or may obstruct the movement of any emergency vehicle. Vehicles towed away for illegal parking shall be stored in a safe place and shall be returned to the owner or operator of such vehicle upon payment of storage and towing charges.

(Prior Code, ch. VI, § 13)

**Sec. 20-166. Towing vehicles away; duties of chief of police.**

It shall be the duty of the chief of police of the town to advise the owner of the vehicle of the removal of the motor vehicle and the place of said removal and where the vehicle is being taken. The owner shall be construed to be the registered owner as shown by records of the vehicle's registration card. Notice shall be given to the owner of the vehicle at the owner's last known address within 72 hours of the vehicle being towed and the reasons that the vehicle has been towed.

(Prior Code, ch. VI, § 14)

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**Secs. 20-167—20-185. Reserved.**

***ARTICLE V. TRUCKS***

**Sec. 20-186. Weight limitations on certain streets.**

The following streets shall be designated "no through trucks streets" and appropriate traffic control devices giving notice of such designation shall be installed:

- (1) North Walnut from Nash Street to McLean Street.
- (2) Railroad Street.
- (3) McLean Street.
- (4) School Street.
- (5) West Branch Street from Walnut Street to Louisburg Road.
- (6) Oak Street.
- (7) Hopkins Avenue.
- (8) Bridge Street.
- (9) Second Street from Walnut Street to Pine Street.
- (10) Second Street from Third Street to First Street.
- (11) Third Street.
- (12) Ash Street.
- (13) Poplar Street from Main Street to School Street.
- (14) Gum Avenue.
- (15) May Street.
- (16) Warren Street.
- (17) Virginia Street.
- (18) Circle Drive.

**Sec. 20-188. - Parking of certain trucks in residential areas.**

It shall be unlawful to park on a city street for a period greater than two (2) hours any vehicle having a length in excess of twenty-five (25) feet, or in excess of ten (10) feet in height, within a distance of two-hundred fifty (250) feet of any dwelling or residence within the corporate limits of the city. This section shall not apply to trucks immediately delivering items to or receiving items from dwellings or residences.

**Sec. 20-190 - Truck trailers.**

It shall be unlawful to separate, unhitch, or otherwise leave unattended any trailer on any street on a public right-of-way within Town limits. "Dropped" trailers are subject to immediate towing.

**Sec. 20-192 - Overnighting.**

It shall be unlawful for any truck with more than two axles to park, stand, or otherwise sit idle for a period of longer than one hour on public ways within Town limits. Exceptions include staging for construction; actively loading or receiving goods or services; or other present commercial activities.

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**Sec. 20-194 –Prohibiting the unlawful use of engine and compression braking.**

The purpose of this section is to prohibit the excessive, loud, unusual or explosive use of engine and compressed air-braking devices within the town limits.

(A) *Definitions.* For the purposes of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**ENGINE BRAKE.** Any engine retarding brake system, transmission brake, or any other retarding brake system that alters normal compression, including but not limited to **DYNAMIC BRAKE, JAKE BRAKE, JACOBS BRAKE, C-BRAKE, PACCAR BRAKE**, or any other make or model of engine braking system, or other braking system that alters the normal compression of the engine and subsequently releases that compression.

(B) *Prohibitions.* It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the town, any engine brake, compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle unless such use is necessary to avoid imminent danger.

(C) *Areas of prohibition.* The prohibition set forth herein shall apply to all public streets and highways in the town.

(D) *Signage.* Signs stating "UNMUFFLED ENGINE BRAKING PROHIBITED – ORDINANCE ENFORCED" may be installed at locations deemed appropriate by the Board of Commissioners to advise motorists of the prohibitions contained in this section. Except that, no sign stating "UNMUFFLED ENGINE BRAKING PROHIBITED – ORDINANCE ENFORCED" shall be installed on a state highway without the approval from the North Carolina Department of Transportation. The provisions of this section shall be in full force and effect upon passage by the Town Board.

(E) *Penalties.* Any person, firm or corporation violating the provisions of this section, shall upon G.S. § 14-4. A violation of this section is a Class 3 misdemeanor and shall be punishable by a \$50 fine.

(F) *Exceptions.* Emergency vehicles shall be exempt from the application of this section.

(Prior Code, ch. VI, § 15)

**Secs. 20-187—20-210. Reserved.**

***ARTICLE VI. PARADES AND PROCESSIONS***

**Sec. 20-211. Funeral processions.**

No vehicle shall be driven through a funeral procession, except emergency vehicles when the same are responding to calls.

(Prior Code, ch. VI, § 16)

State law reference(s)—Funeral processions, G.S. 20-157.1.

**Secs. 20-212—20-230. Reserved.**

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## ***ARTICLE VII. SCHOOL TRAFFIC***

### **Sec. 20-231. Certain turns prohibited during school traffic hours.**

There shall be no left turn from McLean Street onto Oak Street from 7:45 a.m. to 8:15 a.m. and again from 2:45 p.m. and 3:15 p.m. There shall be no right turn from Oak Street onto McLean street from 7:45 a.m. to 8:15 a.m. and again from 2:45 p.m. and 3:15 p.m.

(Prior Code, ch. VI, § 17)

### **Secs. 20-232—20-239. Reserved.**

## ***ARTICLE VIII. GOLF CARTS***

### **Sec. 20-240. Purpose.**

The purpose of this article shall be to establish a golf cart ordinance to allow the operation of golf carts within certain areas of the town hereinafter designated to promote the health, safety and welfare of persons operating golf cart(s) within the town and to protect the safety of their passengers and other users of roads.

(Ord. of 4-5-2021)

### **Sec. 20-241. Policy statement and liability disclaimer.**

Golf carts are not designed or manufactured to be used on public streets, roads and highways, and the Town of Spring Hope in no way advocates or endorses their operation on roads. The town, by regulating such operation, is merely trying to address obvious safety issues, and adoption of this article is not to be relied upon as a determination that operation on designated roads is safe or advisable if done in accordance with this article. All persons who operate or ride upon golf carts on designated roads do so at their own risk and peril and must be observant of and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. The town has no liability and assumes no liability under any theory of liability for permitting golf carts to be operated on designated public roads pursuant to the statutory authority of G.S. 160A-300.6. Any person who operates a golf cart must procure liability insurance sufficient to cover the risks involved in using a golf cart on the designated roads of the town.

(Ord. of 4-5-2021)

### **Sec. 20-242. Definitions.**

For the purpose of this section, the following words and phrases shall have the following meanings.

*Driver's license* means a valid license to operate a motor vehicle issued by the state or any other state.

*Financial responsibility* means liability insurance coverage on a golf cart in an amount not less than required by state law for motor vehicles operated on public highways in the state.

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*Golf cart* means a vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 mph as set forth in G.S. 20-4.01(12b).

*Operator* means only persons of the age of 16 and 17 years of age and holding a valid driver's license may operate a golf cart on roads or a person over the age of 18 possessing a valid state of residence ID card issued by the state where they reside.

(Ord. of 4-5-2021)

### **Sec. 20-243. Operation of golf carts allowed; exceptions.**

- (a) *Allowed.* The operation of golf carts on the public streets, roads and highways within certain areas of the town so designated for that purpose and on property controlled by the town, if so designated shall be permitted in compliance with the provisions of this article; however, it shall be unlawful to operate any golf cart that is not properly registered with the town or to operate any golf cart at any place or in any manner not authorized herein.
- (b) *Exceptions.* The operation of golf carts is not subject to the provisions of this article under the following circumstances:
  - (1) The operation of golf carts at private clubs or on private property, with the consent of the owner.
  - (2) The operation of golf carts that complies with and are regulated by the requirements of state motor vehicle law, which makes it a street legal golf cart and/or low speed vehicle and is therefore eligible for usage on public roads as prescribed by law.
  - (3) The operation of golf carts in connection with a parade, festival, or other special event provided the consent of the event sponsor or chief of police is obtained and provided such use only occurs during the event, or
  - (4) The use of golf carts by the town in its official capacity or a contracted water, wastewater, public works management service.

(Ord. of 4-5-2021)

### **Sec. 20-244. Manner of operation.**

Golf carts shall not be operated on the public streets, roads and highways of the town except in full compliance with the provisions of this article.

- (a) Golf carts shall not be operated on or alongside public roads or streets with a posted speed limit greater than 35 miles per hour.
- (b) Golf carts may cross a road with a posted speed limit greater than 35 mph. However, once this segment of road has been traversed, the golf cart is still required to travel only on or along a roadway with a speed limit of 35 mph or less. Golf carts must cross in a manner that is the most direct route in order to decrease crossing distance, i.e., no riding along a road or crossing at an angle.
- (c) Golf carts may be driven on approved public roads and streets so designated by the town from sunrise until sunset. Golf carts may be driven after sunset when equipped with operational headlights and taillights. Golf carts may not be operated when fog, smog, smoke, inclement weather or other conditions reduce visibility so that the golf cart is not visible from a minimum distance of 250 feet.
- (d) Golf carts are allowed on town-maintained roads within town limits.
- (e) Any person who operates a golf cart must be responsible for all liability associated with operation of the golf cart and must have liability insurance coverage which will cover the use of a golf cart in an amount

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(Supp. No. 4)

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not less than the minimum required by state law for motor vehicles operated on public highways in the state.

- (f) Any person who operates a golf cart must be at least 16 or 17 years of age and possess a valid state issued driver license or be 18 years of age and possess a valid state issued identification card. Golf cart operators must carry their driver's license/identification on their person at all times while operating a golf cart on public roads. For the purpose of this article, a learner's permit shall not be considered as a valid driver's license nor shall any license that has been revoked, temporarily, or otherwise, or suspended for any reason be considered as a valid driver's license during the period of revocation or suspension.
- (g) Any person who operates a golf cart on public streets and roads must adhere to all applicable state and local traffic laws, regulations and ordinances, including but not limited to those banning the possession and use of alcoholic beverages, and all other illegal drugs. In addition, no golf cart containing any open container of alcohol shall be operated on public roads.
- (h) The operator of the golf cart shall comply with all traffic rules and regulations adopted by the state and the county/town/city which governs the operation of motor vehicles.
- (i) An operator of a golf cart on designated streets may not allow the number of people in the golf cart at any one time to exceed the maximum capacity specified by the manufacturer. The operator shall not allow passengers to ride on any part of a golf cart not designed to carry passengers, such as the rear of a golf cart designed to carry golf bags.
- (j) In no instance shall a golf cart be operated at a speed greater than 20 miles per hour. No golf cart may be operated at a speed greater than reasonable and prudent for the existing conditions.
- (k) Golf carts must be operated at the right edge of the roadway and must yield to all vehicular and pedestrian traffic.
- (l) Golf carts must park in designated spaces in such a manner that multiple golf carts can utilize the space. All parking rules and limits apply. Golf carts shall only park in handicapped parking spaces if the driver or at least one passenger has a valid handicap parking placard and such placard is properly displayed in the cart. No parking on sidewalks is allowed.

(Ord. of 4-5-2021)

### **Sec. 20-245. Required equipment.**

- (a) Golf carts must have the basic equipment supplied by the manufacturer. Such equipment must include all safety devices as installed by said manufacturer, including rear view mirror and a rear triangle reflector of the same type required by state law.
- (b) Golf carts driven after sunset must have a minimum of one operating headlight, and two operating tail lights, one on each side of the rear of the cart. All lights must be visible from a distance of 250 feet.
- (c) A low speed caution triangle, with a minimum size of 12 inches or greater on all three sides, that shall be made of reflective material and mounted on the rear of the vehicle.
- (d) If a mechanical turn signal indicator is installed, it shall be operational. If a mechanical turn signal indicator is not installed, then hand signals are required for turns.

(Ord. of 4-5-2021)

### **Sec. 20-246. Registration and fee prior to usage.**

- (a) All golf cart owners who intend to operate the golf cart on designated roads must complete a golf cart registration application and submit to the Spring Hope Police Department for approval. Before driving on

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designated public roads, the operator of a golf cart must have an approved and currently validated town registration.

- (b) There will be a \$5.00 fee to register a golf cart in accordance with the fee schedule adopted annually by the town board. The golf cart registration fee will be collected on January 1 of each year. Registered golf cart owners will be contacted by the police department and advised if any changes to the fees are adopted.
- (c) Each owner must have proof of ownership, liability insurance, and a completed waiver of liability releasing the town from liability that may arise as a result of operation of a golf cart within the town limits. These documents must be in the golf cart at all times while in operation on public roads or streets.
- (d) All golf carts must meet the requirements or minimum standards of safety equipment as set forth in section 20-245 of this article.
- (e) All 16 and 17 years of age golf cart operators must present a valid driver's license while operating a golf cart on a public street or road. All other operators over the age of 17 must present a valid state issued identification card.
- (f) The registration sticker shall be valid for the life of the golf cart unless the golf cart is sold to a new owner and that owner desires to operate the golf cart on the roadway, then a renewal must occur. The registration must be displayed on the lower corner of the driver's side windshield or in case of no windshield, the driver's side front quarter panel of the golf cart and easily visible by law enforcement personnel.
- (g) Lost or stolen permit/stickers are the responsibility of the owner and must be replaced before the golf cart is operated on a public road.

(Ord. of 4-5-2021)

### **Sec. 20-247. Denial, revocation, and enforcement.**

- (a) If any person shall violate the provisions of this article, he/she shall be guilty of a Class 3 misdemeanor and shall be subject to a fine not to exceed \$500.00.
- (b) The Town may refuse to register and issue a permit for the operation of a golf cart, or may revoke a previously issued permit, if the application contains any material misrepresentation; if equipment required by this article, has been removed from the golf cart and if the liability insurance requirements have not been met.
- (c) The town may refuse to register and issue a permit for the operation of a golf cart, or may revoke a previously issued permit for cart owners who have received at least two citations involving the golf cart after the registration is issued.
- (d) Any person WHO knowingly allows an underage driver to operate a golf cart shall have their permit revoked. In addition, the town may also refuse to issue a future permit to someone who allowed an underage driver to operate a golf cart on public roads or streets.
- (e) All-terrain vehicles, four-wheel utility vehicles and other similar utility vehicles which are not manufactured for operation on a golf course may not be registered as a golf cart nor shall such vehicles be operated on the public roads or streets within the town unless such vehicles are otherwise used in conjunction with and authorized for emergency service operations or authorized by the chief of police.
- (f) Any violation of the motor vehicle laws of the state shall be charged the same as any other driver of any registered vehicle in the state.

(Ord. of 4-5-2021)



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**Sec. 20-248. Golf cart registration application.**

Town of Spring Hope Golf Cart Registration Application

In accordance with the Town of Spring Hope Code of Ordinances, Chapter 20, Article VIII, Golf Carts, a golf cart registration may be issued to operate a golf cart on the designated streets of the Town of Spring Hope. Golf cart operators shall submit an application in person to the Town of Spring Hope to obtain its own individual permit/decal to be placed on the front windshield area of the cart so as to be fully visible when the cart is in operation. Golf carts shall have all the required equipment listed in the article. All golf cart drivers the age of 16 and 17 shall possess a valid state issued driver license and all golf cart drivers over the age of 17 shall possess a valid state issued identification card.

A golf cart registration authorizes the operation of a golf cart on approved public streets or roads within the corporate limits of the town and whose posted speed limit is 35 mph or less. It is the responsibility of the golf cart operator to know what roads are designated as permissible for the operation of golf carts.

As with any other form of transportation, all persons who operate golf carts do so at their own risk and must be observant of and attentive to the safety of themselves and others. The town has no liability under any theory of liability and the town assumes no liability for permitting golf carts to be operated on public streets.

The owner of the golf cart must provide evidence of liability insurance at the time of application and must continuously maintain insurance for the entire time the golf cart is registered in the Town of Spring Hope. A golf cart registration fee of \$5.00 for each cart, which includes the permit/decal, shall be payable at the time of registration and inspection. The renewal shall be the 1st of January of each calendar year. The registered golf cart shall be inspected and registered by the Spring Hope Police Department annually.

Please Print or Type:

Applicants Name: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Address:

Mailing Address if different from above:

Driver's License/state ID Number: \_\_\_\_\_ State Issued: \_\_\_\_\_

Si# Number of Golf Cart if available: \_\_\_\_\_ Year: \_\_\_\_\_ Make/Model: \_\_\_\_\_

Color: \_\_\_\_\_ Name of Insurance Company: \_\_\_\_\_ Policy Number: \_\_\_\_\_

By signing this application below, the applicant acknowledges that he/she has received, read and understands the provisions of the Golf Cart Ordinance and agrees to abide by all rules and regulations governing the operation of his/her golf cart in the Town of Spring Hope. The applicant further declares, under penalties of perjury, this vehicle is insured with the company named above and he/she will maintain liability insurance throughout the registration period.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

For Town Use Only: Fee Paid: \_\_\_\_\_ Receipt #: \_\_\_\_\_ Date: \_\_\_\_\_

Registration Sticker # \_\_\_\_\_ Issued: \_\_\_\_\_ Date Issued: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Date Inspected: \_\_\_\_\_ Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

If Denied, Reason:



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Serial Number of Golf Cart if available: \_\_\_\_\_ Year: \_\_\_\_\_ Make/Model: \_\_\_\_\_ Color: \_\_\_\_\_ Registration Number: \_\_\_\_\_

**Acknowledgement**

I have read and understand the above requirements and acknowledge receipt of the Town of Spring Hope Ordinance Regulating the Operation of Golf Carts on Certain Public Streets in the Town of Spring Hope. I have paid the registration fee of \$5.00. I acknowledge that I have liability insurance sufficient to cover the risk involved in using this cart on the designated streets and roads and am fully responsible for the operation of the above cart on these streets and roads. I also acknowledge that the Town of Spring Hope, in providing this privilege, is in no way endorsing the operation of this cart on streets and roads nor assumes any liability in the operation of the cart. I agree to indemnify and hold harmless the Town of Spring Hope for any and all liability arising from the use of this registered golf cart. I certify that the above identified cart has the required mirrors, and reflective low speed caution triangle. I will insure that copies of the proof of ownership, liability insurance, and this completed waiver of liability are in the golf cart at all times while in operation on public roads.

Signature of Applicant/Owner \_\_\_\_\_ Date \_\_\_\_\_

(Ord. of 4-5-2021)