

Chapter 34

TRAFFIC AND VEHICLES*

Article I. In General

- Sec. 34-1. Definitions.
- Sec. 34-2. Authority of police in special cases.
- Sec. 34-3. Government vehicles.
- Sec. 34-4. Push carts/animal-drawn vehicles, etc.
- Sec. 34-5. Exemptions to authorized emergency vehicles.
- Sec. 34-6. Boarding or alighting while vehicle in motion.
- Sec. 34-7. Riding—In passenger areas.
- Sec. 34-8. Same—Without permission.
- Sec. 34-9. Same—Inside vehicle.
- Sec. 34-10. Same—In front seat.
- Sec. 34-11. Roller skates; skateboards.
- Sec. 34-12. Schedule of traffic and parking regulations; incorporation by reference.
- Sec. 34-13. Bus and passenger loading zones designated.
- Sec. 34-14. One-way streets designated.
- Sec. 34-15. Operation of vehicles on trails, etc.
- Secs. 34-16—34-33. Reserved.

Article II. Parking Violations Bureau

- Sec. 34-34. Established.
- Sec. 34-35. Notice of traffic violation.
- Sec. 34-36. Civil penalty for violation.
- Sec. 34-37. Penalties payable to school board.
- Sec. 34-38. Failure to answer charges; penalties.
- Sec. 34-39. Towing.
- Secs. 34-40—34-66. Reserved.

Article III. Traffic Control Devices

- Sec. 34-67. Obedience by drivers.
- Sec. 34-68. Right turns on red.
- Sec. 34-69. Method of turning at intersections.
- Sec. 34-70. No-parking zone markers.
- Sec. 34-71. Avoiding signal at intersection.
- Sec. 34-72. Quiet zone.
- Sec. 34-73. Recreational streets.
- Sec. 34-74. Temporary street closings and designation of parking or no-parking zones due to special events.
- Sec. 34-75. Traffic control signal preemption.
- Secs. 34-76—34-93. Reserved.

***State law references**—Powers of local authorities as to traffic, G.S. 20-169; municipal traffic-control, G.S. 160A-300; municipal control of streets, G.S. 160A-296.

CARY CODE OF ORDINANCES

Article IV. Stopping, Standing and Parking

- Sec. 34-94. Obstructing traffic generally.
- Sec. 34-95. Warning devices on service vehicles.
- Sec. 34-96. Parallel parking.
- Sec. 34-97. Reserved parking spaces.
- Sec. 34-98. Vehicles backed up to curb.
- Sec. 34-99. Stopping with left side to curb.
- Sec. 34-100. Parking within lines.
- Sec. 34-101. Illegal parking.
- Sec. 34-102. Advertising.
- Sec. 34-103. Stopping, standing or parking prohibited in certain places.
- Sec. 34-104. Fifteen-minute parking zones designated.
- Sec. 34-105. One-hour parking zones generally.
- Sec. 34-106. Two-hour parking zone.
- Sec. 34-107. Parking prohibited in designated places—At all times.
- Sec. 34-108. Same—During certain hours.
- Sec. 34-109. Lights on parked vehicles.
- Sec. 34-110. Stop before entering certain street intersections.
- Sec. 34-111. Stop streets designated.
- Sec. 34-112. Parking of oversized vehicles and trailers prohibited.
- Sec. 34-113. Parks and recreation facilities; unauthorized parking.
- Sec. 34-114. Town facilities; unauthorized parking.
- Secs. 34-115—34-141. Reserved.

Article V. Operation of Vehicles Generally

- Sec. 34-142. Vehicles emerging from alley or driveway.
- Sec. 34-143. Vehicles moving from parked positions.
- Sec. 34-144. Turning around.
- Sec. 34-145. Backing.
- Sec. 34-146. Yield right-of-way signs.
- Sec. 34-147. Turning at channelized intersections.
- Sec. 34-148. Commercial vehicles on certain streets.
- Sec. 34-149. Speed limit on through highways and state maintained streets.
- Sec. 34-150. Speed limit on nonhighway streets.
- Sec. 34-151. Speed limits in school zones.
- Sec. 34-152. Limitations on privilege of overtaking and passing—Generally.
- Sec. 34-153. Same—On specified streets.
- Secs. 34-154—34-174. Reserved.

Article VI. Movement of Heavy Vehicles or Articles

- Sec. 34-175. Special permits
- Sec. 34-176. Change of route.
- Secs. 34-177—34-205. Reserved.

Article VII. Impoundment

- Sec. 34-206. Definitions.

TRAFFIC AND VEHICLES

- Sec. 34-207. Abandoned, nuisance and aesthetic nuisance vehicles unlawful; towing authorized; responsibility for costs.
- Sec. 34-208. Administration.
- Sec. 34-209. Removal of abandoned, nuisance and aesthetic nuisance vehicles; pre-towing requirements.
- Sec. 34-210. Removal of vehicle; post-towing notice requirements.
- Sec. 34-211. Right to probable cause hearing before sale or final disposition of vehicle; right to recover vehicle; unauthorized removal unlawful.
- Sec. 34-212. Sale and disposition of vehicle.
- Sec. 34-213. Disposition of proceeds of sale.
- Sec. 34-214. Exceptions.
- Sec. 34-215. Civil penalty.
- Sec. 34-216. Article cumulative.
- Secs. 34-217—34-240. Reserved.

Article VIII. Bicycles and Motorcycles

- Sec. 34-241. Application of traffic laws to bicycles.
- Sec. 34-242. Obedience to traffic control devices.
- Sec. 34-243. Manner of riding bicycle.
- Sec. 34-244. Riding abreast on roadways.
- Sec. 34-245. Emerging from alley or driveway.
- Sec. 34-246. Speed.
- Sec. 34-247. Clinging to moving vehicles.
- Sec. 34-248. Riding on handlebars, etc.
- Sec. 34-249. Hands on handlebars; carrying articles.
- Sec. 34-250. Riding on sidewalk.
- Sec. 34-251. Equipment on bicycles.
- Sec. 34-252. Parking.
- Sec. 34-253. Motorcycles and off-highway motor vehicles generally.
- Sec. 34-254. Exemption for police bicycle patrols.
- Sec. 34-255. Bicycle helmets required.
- Sec. 34-256. Penalty.
- Secs. 34-257—34-275. Reserved.

Article IX. Operation of Golf Carts on Public Streets and Roads

- Sec. 34-276. Authority to regulate.
- Sec. 34-277. Definitions.
- Sec. 34-278. Operation on public streets and roads.
- Sec. 34-279. Streets and roads approved for use.
- Sec. 34-280. Other residential streets and roads approved for use of golf carts.
- Sec. 34-281. Enforcement.
- Sec. 34-282. Liability disclaimer.
- Secs. 34-283—34-300. Reserved.

Article X. Automated Traffic Control Systems

- Sec. 34-301. Definitions.
- Sec. 34-302. Generally.

CARY CODE OF ORDINANCES

Sec. 34-303. Offense.
Sec. 34-304. Penalty.
Sec. 34-305. Appeal.
Secs. 34-306—34-320. Reserved.

Article XI. Schedules

Secs. 34-321—34-334. Reserved.

ARTICLE I. IN GENERAL**Sec. 34-1. 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:

Authorized emergency vehicles shall mean vehicles of the fire department, police department and such ambulances as designated or authorized by the chief of police.

Bicycle path shall mean, but shall not be limited to, that portion of a street between the roadway designated for motor vehicular traffic, curblines, or lateral lines of a roadway, and the adjacent property lines, intended for use by bicycles. Bicycle path shall also mean a linear open space along a natural or human-made corridor to which pedestrian and bicycle access has been granted for the purpose of public passive recreation or as a transportation corridor for bicycle traffic only.

Block shall mean a portion of any street located between two intersections next adjacent to each other.

Business district shall mean the territory contiguous to a road or street where 75 percent or more of frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business purposes, or as otherwise defined by ordinance of the state board of transportation.

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

Driver shall mean as provided in G.S. 20-4.01.

Greenway shall mean a linear open space along a natural or human-made corridor which is used for public passive recreation and under the jurisdiction of the town of Cary.

Intersection shall mean as provided in G.S. 20-4.01.

Motor vehicle shall mean as provided in G.S. 20-4.01.

Official trafficcontrol devices shall mean all signs, signals, markings and devices, not inconsistent with this chapter, placed or erected by authority of the town council or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

Official traffic signals shall mean any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

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

Pedestrian shall mean any person afoot.

Police officer shall mean every officer of the police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Private road or driveway, shall mean as provided in G.S. 20-4.01.

Public conveyance shall mean any vehicle other than a taxicab or railroad train for transporting for fare.

Public vehicular area shall mean as provided in G.S. 20-4.01.

Railroad shall mean a carrier of persons or property upon cars operated upon stationary rails.

Railroad train shall mean a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

Residential district shall mean the territory contiguous to a street not comprising a business district where 75 percent or more of the frontage on such street for a distance of 300 feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business, or as otherwise defined by ordinance of the state department of transportation.

Right-of-way shall mean the privilege of the immediate use of the roadway.

Roadway shall mean as provided in G.S. 20-4.01.

Safety zone shall mean as provided in G.S. 20-4.01.

Sidewalk shall mean 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.

Standing shall mean any stopping of a vehicle, whether occupied or not.

Stop, when required, shall mean complete cessation of movement.

Stop or stopping, when prohibited, shall mean 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.

Street or highway shall mean the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular traffic.

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

Vehicle shall mean as provided in G.S. 20-4.01.
(Code 1976, §§ 16-1(1—28), 16-10; Code 1982, § 12-1; Ord. No. 87-103, § 1, 12-10-1987)

State law reference—Definitions, G.S. 20-4.01.

Sec. 34-2. Authority of police in special cases.

In the event of a fire or other emergency, or when necessary to expedite traffic or safeguard pedestrians, police officers may direct traffic as conditions may require, notwithstanding the provisions of this chapter.

(Code 1976, § 16-7; Code 1982, § 12-3)

Sec. 34-3. Government vehicles.

Unless otherwise provided in this chapter or by state statutes, the provisions of this chapter shall apply to the driver of any vehicle owned by, or used in the service of, the United States government, this state, county or town.

(Code 1976, § 16-9; Code 1982, § 12-4)

State law reference(s) Application of state traffic laws vehicles owned by government, G.S. 20-168.

Sec. 34-4. Push carts/animal-drawn vehicles, etc.

Every person propelling any push cart, or riding an animal, or driving any animal-drawn vehicle upon a roadway shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions which, by their very nature, can have no application.

(Code 1976, § 16-10; Code 1982, § 12-5)

State law reference(s) Application of state traffic laws to animals or animal drawn vehicles, G.S. 20-171.

Sec. 34-5. Exemptions to authorized emergency vehicles.

(a) The provisions of this chapter regulating the operation, parking and standing of vehicles shall apply to authorized emergency vehicles, as defined in this chapter, except that a driver when operating such vehicle in an emergency, unless otherwise directed by a police officer, may:

- (1) Park or stand, notwithstanding the provisions of this chapter.
- (2) Proceed past a red or stop signal, or stop sign, but only after slowing down as may be necessary for safe operation.
- (3) Exceed the speed limits so long as he does not endanger life or property.
- (4) Disregard regulations governing direction of movement, or turning, in specified directions so long as he does not endanger life or property.

(b) The foregoing exemptions shall not protect the driver of any such vehicle from the consequences of his reckless disregard for the safety of others.

(Code 1976, § 16-11; Code 1982, § 12-6)

Sec. 34-6. Boarding or alighting while vehicle in motion.

No person shall board or alight from any public conveyance or other vehicle while such conveyance or vehicle is in motion.

(Code 1976, § 16-57; Code 1982, § 12-7)

Sec. 34-7. Riding—In passenger areas.

(a) No person shall ride on any public conveyance or vehicle or any portion thereof not designed or intended for the use of passengers.

(b) This section 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.
(Code 1976, § 16-58; Code 1982, § 12-8)

Sec. 34-8. Same—Without permission.

No person shall enter, jump on or ride in or on any automobile or other vehicle without the consent of the owner or driver.
(Code 1976, § 16-59; Code 1982, § 12-9)

Sec. 34-9. Same—Inside vehicle.

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 1976, § 16-60; Code 1982, § 12-10)

Sec. 34-10. Same—In front seat.

No driver or person in charge of any motor vehicle shall permit more than three persons (including the driver) to ride in the front or driver's seat of a motor vehicle.
(Code 1976, § 16-61; Code 1982, § 12-11)

Sec. 34-11. Roller skates; skateboards.

(a) It shall be unlawful for any person to use for riding or to ride or roll upon any roller skates, skateboard or similar device in or upon any public street, excluding sidewalks, on any day after sunset or before sunrise.

(b) It shall be unlawful for any person, being the parent or guardian of a minor, to suffer or permit such minor to violate subsection (a) of this section.
(Ord. No. 77-16, § 1, 5-12-1977; Code 1982, § 12-12)

Sec. 34-12. Schedule of traffic and parking regulations; incorporation by reference.

(a) Whenever the provisions of this chapter establish specific traffic and parking regulations and restrictions which are effective only upon certain streets, parts of streets or street areas which are not generally identifiable, or at certain times or for periods of time which are not generally applicable, such traffic and parking regulations, and the locations and/or times where and when the same are effective shall be set out upon official traffic schedules, as amended from time to time by the Town Council or the Director of Engineering as appropriate, and retained permanently in the office of the Town Clerk.

(b) All official traffic schedules adopted under the authority of this chapter are hereby incorporated by reference and shall be as effective as if set out in full herein. Such traffic schedules shall be deemed to be "technical ordinances" under the provisions of G.S. 160A-76(b).
(Ord. No. 2009-Code-06, 5-14-2009)

Sec. 34-13. Bus and passenger loading zones designated.

(a) The portions of streets described in Traffic Schedule 1, Bus and Passenger Loading Zones, are hereby designated as bus or passenger loading zones in some locations during specified hours.

(b) No person, except the operator of a public passenger transport bus, shall park, stop, allow to stand or leave unattended any vehicle within any bus loading zone.

(c) No person shall park, stop, allow to stand or leave unattended any vehicle in any passenger loading zone except for such reasonable time as may be required for a passenger to alight from or enter such vehicle.

(Code 1976, §§ 16-62, 16-63; Code 1982, §§ 12-13, 12-14; Ord. No. 2009-Code-06, 5-14-09)

Sec. 34-14. One-way streets designated.

(a) The streets or portions of streets described in Traffic Schedule 2, One-way Streets, are hereby designated as one-way streets.

(b) Vehicular traffic shall move on one-way streets only in the indicated direction, when signs indicating the direction of traffic are erected and maintained.

(Code 1976, § 16-64; Code 1982, § 12-15; Ord. No. 2009-Code-06, 5-14-09)

Sec. 34-15. Operation of vehicles on trails, etc.

It shall be unlawful for any person to ride or otherwise operate a motor vehicle, motorcycle, motor-driven cycle, or off-highway motor vehicle upon any trail, or bicycle trail designated as greenway which is publicly owned and maintained, or to which public access has been granted in any manner by any private property owner. This shall not include the operation of motor vehicles engaged in property maintenance or in other services authorized by the town.

(Ord. No. 87-103, § 2, 12-10-1987; Code 1982, § 12-16)

Secs. 34-16—34-33. Reserved.**ARTICLE II. PARKING VIOLATIONS BUREAU*****Sec. 34-34. Established.**

(a) Pursuant to G.S. 14-4(b), violations of the parking regulations enumerated in this chapter are deemed infractions.

***State law references**—Uniform schedule of offenses set by Chief District Judges, G.S. 7A-148; costs in criminal actions, G.S. 7A-304; infractions applied to municipal ordinances regulating parking, G.S. 14-4; handicapped parking regulations, G.S. 20-37.6; parking prohibited in certain locations, G.S. 20-162; prima facie evidence rule for parking violations, G.S. 20-162.1; enforcement of ordinances by city, G.S. 160A-175; city authorized to regulate parking, G.S. 160A-301.

(b) As an alternative system of administering parking violations, there is hereby established under the supervision of the chief of police the parking violations bureau, which shall be located in the police headquarters section of the town government campus.

(Code 1982, § 12-41; Ord. No. 98-007, § 1, 6-11-1998)

Sec. 34-35. Notice of traffic violation.

Whenever a member of the town police department, or other person charged by ordinance or charter with the enforcement of the provisions of this code regulating the parking of vehicles, shall find that any of such provisions are being or have been violated by the owner or operator of any vehicle, such officer shall notify the owner or operator of such vehicle of the alleged violation by conspicuously attaching to such vehicle or delivering to the owner or operator a notice or ticket clearly stating the violation charged and requiring such owner or operator to respond to the charge(s) within five days after such violation.

(Code 1982, § 12-42; Ord. No. 98-007, § 1, 6-11-1998)

Sec. 34-36. Civil penalty for violation.

(a) Violations of the parking regulations contained in this chapter shall subject the offender to the civil penalties hereinafter enumerated. Pursuant to G.S. 160A-175, all criminal penalties for these violations as set out in G.S. 14-4 are hereby removed. The town in a civil action in the nature of debt may recover civil penalties.

(b) For violation of the following traffic regulations, except as otherwise provided by law, the penalties shall be as follows:

- (1) Parking as to obstruct fire hydrants or fire lanes: \$5.00.
- (2) Parking or leaving standing any vehicle:
 - a. In a space designated in conformance with G.S. 20-37.6(d) for handicapped or visually impaired persons, when the vehicle does not display the distinguishing license plate or placard or disabled veteran license plate issued as required by state statute; or
 - b. So as to obstruct a curb ramp or curb cut for handicapped persons, as provided for by the state building code or as designated in G.S. 136-44.14.
 - c. Violation of either a. or b. above: \$100.00.

- (3) Parking or leaving standing an oversized vehicle: \$10.00.

- (4) All other parking violations: \$5.00.

(Code 1982, § 12-43; Ord. No. 98-007, § 1, 6-11-1998; Ord. No. 00-007, § 1, 3-9-2000; Ord. No. 00-034, § I, 1-11-2001; Ord. No. 2010-Code-02, 3-10-2010)

Sec. 34-37. Penalties payable to school board.

The penalties permitted to be paid to and received by the parking violations bureau under this article shall be paid to the county school board for the use of the public schools.

(Code 1982, § 12-44; Ord. No. 98-007, § 1, 6-11-1998)

Sec. 34-38. Failure to answer charges; penalties.

(a) Any person who has failed to respond to the parking violation bureau within five days as specified in section 34-36(a) shall receive a written notice. Said notice shall state that if the civil penalty is not paid within 30 days a late penalty (in addition to the civil penalty) of \$20.00 will be assessed.

(b) Failure to pay all penalties assessed within 60 days shall subject the offender to a civil action in the nature of debt for the assessed penalties plus an additional penalty of \$50.00 together with the cost of the action to be taxed by the court.

(Code 1982, § 12-44; Ord. No. 98-007, § 1, 6-11-1998; Ord. No. 00-034, § I, 1-11-2001)

Sec. 34-39. Towing.

Nothing contained herein shall be construed to limit the authority of the town to move or tow vehicles that are parked in violation of any statute or ordinance.

(Code 1982, § 12-45; Ord. No. 98-007, § 1, 6-11-1998)

Secs. 34-40—34-66. Reserved.**ARTICLE III. TRAFFIC CONTROL DEVICES*****Sec. 34-67. Obedience by drivers.**

(a) The driver of every vehicle shall obey the directions of any official traffic control device placed, erected or installed in accordance with the traffic ordinances of this town, unless otherwise directed by a police officer, or otherwise provided in this chapter.

(b) 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 proper 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.

(Code 1976, § 16-17; Code 1982, § 12-42)

Sec. 34-68. Right turns on red.

The Director of Engineering is hereby authorized to determine intersections at which vehicular traffic facing a red light shall not make a right turn. The intersections subject to this prohibition shall be described in Traffic Schedule 3, Right Turns on Red.

(Code 1976, § 16-18; Code 1982, § 12-59; Ord. No. 77-35, § 2, 9-22-1977; Ord. No. 83-9, § 1, 5-12-1983; Ord. No. 86-42, § 1, 11-13-1986; Ord. No. 2009-Code-06, 5-14-09)

State law reference—Vehicle control signs and signals, G.S. 20-158.

***State law reference**—Traffic-control devices, G.S. 20-158, 20-172.

Sec. 34-69. Method of turning at intersections.

The Director of Engineering is authorized to modify the method of turning at intersections and determine those intersections at which drivers of vehicles shall not make a right, left or u-turn, by clearly indicating such modification or prohibition by markers, buttons or other direction signs. Said intersections shall be described in Traffic Schedule 4, Restricted Turns at Intersections. Whenever such markers, buttons, or signs are placed, erected or installed, no driver of a vehicle shall disobey the directions of any such marker, button or sign, and when authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles traversing, or turning thereat, no driver of a vehicle shall disobey the directions of such indications. (Code 1976, § 16-20; Code 1982, § 12-61; Ord. No. 87-83, § 1, 9-10-1987; Ord. No. 90-61, 11-8-1990; Ord. No. 91-26, § 1, 6-13-1991; Ord. No. 93-07, § 1, 2-12-1993; Ord. No. 93-24, § 1, 4-8-1993; Ord. No. 93-39, § 1, 12-9-1993; Ord. No. 94-007, § 1, 4-14-1994; Ord. No. 94-008, § 1, 4-14-1994; Ord. No. 94-021, § 1, 8-11-1994; Ord. No. 2007-03, 2-22-2007; Ord. No. 2008-Code-07, 11-20-2008; Ord. No. 2009-Code-03, 2-12-2009; Ord. No. 2009-Code-06, 5-14-09)

Sec. 34-70. No-parking zone markers.

Whenever authorized signs or markings are placed, erected or installed indicating no-parking zones, no driver of a vehicle shall disobey the regulations in connection therewith.

(Code 1976, § 16-21; Code 1982, § 12-62)

Sec. 34-71. Avoiding signal at intersection.

No person shall drive a vehicle upon or across public or private through driveways, curb cuts or otherwise for the purpose of proceeding from any street to an intersecting street with the intent of avoiding traffic signs or signals erected or installed for vehicular traffic control.

(Code 1976, § 16-22; Code 1982, § 12-63)

Sec. 34-72. Quiet zone.

Whenever authorized signs are placed, erected or installed indicating a zone of quiet, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of said vehicle, except in an emergency.

(Code 1976, § 16-23; Code 1982, § 12-64)

Sec. 34-73. Recreational streets.

Whenever authorized signs are placed, erected or installed indicating any street or part thereof as a recreational street, no person shall drive a motor vehicle upon such street, or part thereof, during the times indicated. All such streets shall be properly designated by the town council.

(Code 1976, § 16-26; Code 1982, § 12-66; Ord. No. 77-15, § 1, 4-28-1977; Ord. No. 93-23, § 1, 4-8-1993)

Sec. 34-74. Temporary street closings and designation of parking or no-parking zones due to special events.

(a) *Specific authority.* The chief of police, or designee, is authorized to temporarily close to vehicular traffic the streets specified below and to temporarily designate "Parking" and "No Parking" zones on city streets for the following special events. The chief shall temporarily close a street by placing appropriate signs and banners in the roadway. The chief shall designate a "No Parking Zone" by marking the area with temporary signs indicating "No Parking—Tow Away Zone—Authority Cary Police Department." In the event the chief opens some "No Parking" zones to permit parking, all meters and "No Parking" signs shall be covered for that period of time that parking is allowed. Drivers of vehicles that use said streets while temporarily closed or persons who park in zones designated as "No Parking—Tow Away Zones" shall be in violation of this section. In addition to other penalties that may be imposed, the Cary police department, or its designee, is authorized to tow vehicles parked in "No Parking—Tow Away Zones.."

- (1) Lazy Daze;
- (2) Spring Daze;
- (3) Cary Band Day;

- (4) July 4th Celebration at Regency Park; and
- (5) The SAS Championship Golf Tournament.

(b) *Lazy Daze*. As to *Lazy Daze*, this section shall apply from 12:00 noon on Friday through 9:00 p.m. on Saturday the scheduled weekend of the event or the rain date(s), if necessary, to include all of the area bounded by and including South Academy Street, East and West Chatham Street, South Harrison Avenue, Dry Avenue, and South Walker Street. For the time period indicated, the Chief may designate the following streets as "No Parking—Tow Away Zones." *Lazy Daze* is determined to be a specially designated town sponsored event to which the provisions of Chapter 24, section 24-18 and Chapter 6, section 6-72 apply, prohibiting animals, certain wheeled vehicles and other specified activities.

East side of South Harrison Avenue from West Chatham Street to Faculty Street;

North side of East Park Street from Walker Street to South Academy Street;

North side of West Park Street from South Harrison Avenue to South Academy Street;

Both sides of South Walker Street from its intersection with East Chatham Street to Walnut Street;

South side of Walnut Street from Kildaire Farm Road to South Walker Street.

(c) *Spring Daze*. As to *Spring Daze*, this section shall apply from 6:00 p.m. on Friday through 9:00 p.m. on Saturday the scheduled weekend of the event, or the rain date(s), if necessary, to include all of Bond Park, the streets and parking lots therein and all areas bounded by High House Road. For the time period indicated, the chief may designate the following streets as "No Parking—Tow Away Zones." *Spring Daze* is determined to be a specially designated town sponsored event to which the provisions of chapter 24, section 24-18 and chapter 6, section 6-72 apply, prohibiting animals, certain wheeled vehicles and other specified activities.

Bond Park Drive;

Metro Park Drive;

Maury O'Dell Place;

Charlie Henderson Way.

(d) *Cary Band Day*. As to *Cary Band Day*, this section shall apply from 6:00 a.m. through 11:59 p.m. on the scheduled day of the event, or the rain date, if necessary, to:

Walnut Street from S.E. Maynard Road to Cary Towne Boulevard. This section of Walnut Street is to be closed to allow a parking area for buses and an assembly area for bands; and

E. Chatham Street to S. Academy St. to Walnut St., ending at the Cary High School, to permit a parade. These roads will be closed for the parade, and opened promptly thereafter.

(e) *July 4th Celebration at Regency Park.* As to July 4th Celebration at Regency Park, this section shall apply from 12:01 a.m. through 11:30 p.m. on July 4, to provide certain "No Parking—Tow Away Zones." July 4th Celebration at Regency Park is determined to be a specially designated town sponsored event to which the provisions of chapter 24, section 24-18 and chapter 6, section 6-72 apply.

Both sides of Regency Parkway from the intersection of Tryon Road to the dead-end at 11000 Regency Parkway;

Both sides of Elerlee Drive from the intersection of Regency Parkway to Penny Road;

Both sides of Edinburgh Drive from U.S. 64 to the intersection of Glasgow Road;

Both sides of Queensferry Road from the intersection of Rutherglen Drive to the intersection of Edinburgh Drive.

(e) *SAS Championship Golf Tournament* As to the SAS Championship Golf Tournament, this section shall apply from 9:00 a.m. through 7:00 p.m. on the scheduled days of the event, or the rain date, if necessary, to establish "No Parking—Tow Away Zones" on:

Both sides of Summerlakes Drive from High House Road to Crabtree Crossing; and

On Crabtree Crossing from the Morrisville city limits to Cary Parkway; and

On Prestonwood Parkway from High House Road to the Preston Club House; and

On Bridlecreek Dr. from Prestonwood Dr. to Creek Park Drive.

(f) *Additional authority.* The chief of police, or designee, is authorized to temporarily close to vehicular traffic any street or streets within the town when the chief deems it necessary to meet the particular needs of a special event and to temporarily alter vehicular parking areas, by permitting parking on streets where parking is normally prohibited, or prohibiting parking on streets or in areas where parking is normally permitted. The authority granted herein is subject to the following:

- (1) The special event must be sanctioned and properly permitted by the town;
- (2) The area and boundaries of any street closing will consist of only those areas directly related to the special event and shall include any public street, sidewalk, or publicly owned area that is within or constitutes the boundary of that event;
- (3) No street, or portion thereof, may be closed for more than 12 hours without the approval of town council;
- (4) The fire chief shall be notified in advance of all street closings;
- (5) Alteration of normal parking in areas affected by the special event will only be allowed for the 12 hours immediately prior to the event and during the event;
- (6) The procedures for designating "closed" streets and "No Parking Zones" provided in subsection (a) shall apply, as shall the enforcement provisions.

(Code 1976, § 16-27; Code 1982, § 12-67; Ord. No. 01-003, 4-12-2001)

Sec. 34-75. Traffic control signal preemption.

(a) The fire chief, police chief and town traffic engineer are authorized to select such traffic signal controlled intersections they concurrently deem advisable for installation of emergency vehicle traffic signal preemption.

(b) If such traffic signals are located at the intersections of town streets, and funds are approved, installation shall proceed on the concurrently agreed upon direction(s).

(c) If such traffic signals are located at the intersection of one or more state highways, and funds are approved, the town traffic engineer shall submit the concurrent preemption installation request, and a copy of the ordinance from which this article is derived, to the department of transportation for its approval.

(d) If a traffic study of prospective commercial, residential, or industrial development determines that the developer shall be required to provide full or partial funding for traffic signals, and if traffic signal preemption is deemed advisable by subsection (a), such funding shall include the equipment and installation costs of the traffic signal preemption system approved by the town.
(Code 1982, § 12-68; Ord. No. 00-024, 9-14-2000)

Secs. 34-76—34-93. Reserved.**ARTICLE IV. STOPPING, STANDING AND PARKING*****Sec. 34-94. Obstructing traffic generally.**

No person shall stand a vehicle on any street as to interrupt, or interfere with, the passage of public conveyances or other vehicles.
(Code 1976, § 16-45; Code 1982, § 12-79)

Sec. 34-95. Warning devices on service vehicles.

No person shall permit or cause to permit any construction, service or maintenance vehicles to stand or be parked within the right-of-way of public roads and streets of the town in such a manner as to obstruct, impede or interfere with the normal traffic use on said streets: Provided, that such vehicles may be temporarily used outside of the rights-of-way or on a necessary portion thereof, facing in the same direction as the flow of traffic; provided further, that warning signs indicating "Men Working," together with red flags thereon, shall be placed not less than 200 feet in the front and rear of such vehicle or equipment. Such red flags shall be displayed on said signs from sunup to sundown, and after sundown red flares or lanterns shall be displayed adjacent to the warning signs. These warning signs and signals shall be displayed as long as such vehicle is being so used.
(Code 1976, § 16-46; Code 1982, § 12-81)

***State law references**—Stopping and parking, G.S. 20-161 et seq.; parking in municipalities, G.S. 160A-301.

Sec. 34-96. Parallel parking.

Where not otherwise indicated by this chapter, 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 therefrom.

(Code 1976, § 16-49; Code 1982, § 12-82)

Sec. 34-97. Reserved parking spaces.

Those streets or portions of streets where signs are placed, or marked off in any way to designate a specific purpose, shall be reserved and no automobile or other vehicle except those for which the space has been designated shall park therein.

(Code 1976, § 16-47; Code 1982, § 12-83)

Sec. 34-98. Vehicles backed up to curb.

No vehicle shall remain backed up to the curb, except when actually loading or unloading.

(Code 1976, § 16-50; Code 1982, § 12-84)

Sec. 34-99. Stopping with left side to curb.

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 1976, § 16-51; Code 1982, § 12-85)

Sec. 34-100. Parking within lines.

On any place which is marked off with lines indicating the parking spaces, cars shall be parked between said lines.

(Code 1976, § 16-52; Code 1982, § 12-86)

Sec. 34-101. Illegal 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 necessitated by an emergency.
- (3) 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.
- (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.

(Code 1976, § 16-53; Code 1982, § 12-87)

Sec. 34-102. Advertising.

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

(Code 1976, § 16-54; Code 1982, § 12-88)

Sec. 34-103. Stopping, standing or parking prohibited in certain places.

No person shall stop, stand or park a vehicle, attended or unattended, 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) Within an intersection or in front of a private driveway.
- (3) On a crosswalk.
- (4) Within 30 feet of any flashing beacon, stop sign or traffic control signal located at the side of a street or roadway.
- (5) On either side of any street approaching a railroad underpass, or overhead bridge, within 50 feet in any direction of the outer edge of such underpass or overhead bridge.
- (6) On either side of any street approaching a grade crossing within 50 feet of the closest rail; provided, that where existing permanent structures are located along the street and closer than 50 feet, parking may be permitted in front of such structures, unless otherwise prohibited if the said parking does not interfere with the view in either direction of an approaching locomotive or train.
- (7) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
- (8) Upon any bridge or other elevated structure.
- (9) Within 15 feet in either direction of the entrance to a hotel, theater, hospital, sanitarium, or any public building.
- (10) On the roadway side of any vehicle stopped, standing or parked at the edge or curb of a street.
- (11) Within 25 feet from the intersection of curblines or if none, then within 15 feet of the intersection of property lines at an intersection of highways or streets.
- (12) Upon any area designated as a fire lane in any public vehicular area, street, highway or roadway or in any mail parking lot or shopping center, unless the parking is temporary for the purpose of loading or unloading supplies or merchandise and the vehicle is not left unattended.
- (13) In any area other than those designated by lines indicating parking spaces in town-owned parking lots.
- (14) Within 15 feet in either direction of a mailbox located adjacent to any street or highway, between the hours of 9:00 a.m. and 5:00 p.m., every day except Sundays and federal holidays.
- (15) On any public street or highway which has been clearly marked with travel lanes, unless the travel lane is of sufficient width to allow another vehicle of any size to pass safely in the same travel lane without causing it to cross into another travel lane.

(16) In a space designated in conformance with G.S. 20-37.6(d) for handicapped or visually impaired persons, when the vehicle does not display the distinguishing license plate or placard as required by state statute.

(17) In a manner so as to obstruct a curb ramp or curb cut for handicapped persons, as provided for by the state building code or as designated in G.S. 136-14.14.

(18) In any area upon a public street which has been clearly marked as a bicycle travel lane, except for Bridle Creek Drive and Upchurch Meadow between the hours of 7 p.m. and 7 a.m.

(Code 1976, § 16-55; Code 1982, § 12-89; Ord. No. 87-21, § 2, 6-11-1987; Ord. No. 89-37, § 1, 6-8-1989; Ord. No. 91-41, § 1, 10-10-1991; Ord. No. 93-38, § 1, 12-9-1993; Ord. No. 95-004, § 1, 1-12-1995; Ord. No. 01-017, § 1, 9-13-2001; Ord. No. 03-005, § 1, 5-8-2003)

State law reference—Similar provisions, G.S. 20-162.

Sec. 34-104. Fifteen-minute parking zones designated.

(a) The streets or portion of streets described in Traffic Schedule 5, Fifteen-Minute Parking Zones, are hereby designated as fifteen-minute parking zones.

(b) No person shall park or leave unattended any vehicle, nor stop any vehicle which he is operating, in any fifteen-minute parking zone for a period longer than 15 minutes. The changing of the position of a vehicle from one point to another point within the same block shall be deemed as one continuous parking period.

(c) Any street or portion of a street designated as a fifteen-minute parking zone shall be plainly marked with a sign or signs to indicate that no vehicle may be parked within such area or along said street or portion of a street designated by said sign or signs for a period longer than 15 minutes at any time, unless otherwise provided.

(Code 1976, § 16-65; Code 1982, § 12-90; Ord. No. 2009-Code-06, 5-14-09)

Sec. 34-105. One-hour parking zones generally.

(a) The streets or portions of streets described in Traffic Schedule 6, One-Hour Parking Zones, are hereby designated as one-hour parking zones.

(b) Parking in a one-hour parking zone shall be limited to one hour between the hours of 8:00 a.m. and 6:00 p.m. on any day except Sundays and public holidays. The changing of the position of a vehicle from one point directly to another point within the same block shall be deemed as one continuous parking period.

(c) No person shall park or leave unattended any vehicle, or stop any vehicle which he is operating, for a period longer than one hour in a one-hour parking zone during the times limited. Unless specifically limited herein, the one-hour parking limitation applies at all times.

(d) Each street or portion of a street designated as a one-hour parking zone shall be plainly marked by a sign or signs to indicate that no motor vehicle may be parked for a period of longer than one hour within the area designated during the times indicated by such sign or signs.

(Code 1976, § 16-67; Code 1982, § 12-92; Ord. No. 2009-Code-06, 5-14-09)

Sec. 34-106. Two-hour parking zone.

(a) The streets or portions of streets described in Traffic Schedule 7, Two-Hour Parking Zones, are hereby designated as two-hour parking zones.

(b) When signs are placed, erected or installed in any place, giving notice thereof, no person shall park a vehicle for longer than two hours at any time between the hours of 8:00 a.m. and 6:00 p.m. on any day, except Sundays and public holidays, upon any such place. The changing of the position of a vehicle from one point directly to another point, within the same block, shall be deemed one continuous parking period.

(Code 1976, § 16-68; Code 1982, § 12-93; Ord. No. 2009-Code-06, 5-14-09)

Sec. 34-107. Parking prohibited in designated places—At all times.

When signs are placed, erected or installed, giving notice thereof, or the curbing has been painted yellow in lieu of such signs, no person shall park a vehicle at any time upon any of the streets or portions of streets described in Traffic Schedule 8, Prohibited Parking.

(Code 1976, § 16-69; Code 1982, § 12-94; Ord. No. 2009-Code-06, 5-14-09)

Sec. 34-108. Same—During certain hours.

When signs are placed, erected or installed in any place giving notice thereof, no person shall park a vehicle between the hours of 1:00 a.m. and 6:00 a.m., unless other hours are designated, upon any of the places described in Traffic Schedule 9, Prohibited Parking - Certain Hours. Provided, that this section shall not apply to automobiles or other vehicles parked on said places between the hours of 1:00 a.m. and 6:00 a.m., when the owners thereof are at work in the building, on the premises, in front of or near said automobiles or other vehicles which are parked.

(Code 1976, § 16-70; Code 1982, § 12-95; Ord. No. 2009-Code-06, 5-14-09)

Sec. 34-109. Lights on parked vehicles.

The displaying of lights upon a vehicle, when lawfully parked at night upon a street in accordance with this chapter, shall not be required when there is sufficient light to reveal any person within a distance of 200 feet upon such street.

(Code 1976, § 16-38; Code 1982, § 12-96)

State law reference—Authority for above section, G.S. 20-134.

Sec. 34-110. Stop before entering certain street intersections.

Those intersections where stop signs are erected are hereby declared to be stop intersections when entered from the streets first named, and when stop signs are placed, erected or installed at such intersections every driver of a vehicle shall stop in obedience to such signs before entering the intersection, and shall not proceed into or across the through street until he has first determined that no conflict with traffic will be involved.

(Code 1976, § 16-29; Code 1982, § 12-97; Ord. No. 2009-Code-06, 5-14-09)

Sec. 34-111. Stop streets designated.

(a) The Director of Engineering is authorized to determine which streets are stop streets. Said streets shall be described in Traffic Schedule 10, Stop Streets.

(b) As used herein, "stop street" shall mean any street so designated at its intersection with the streets hereinafter designated.

(c) Any person operating any vehicle, before proceeding along or from any stop street into the intersection of the stop street with the intersecting streets, shall stop. Traffic over the intersecting street and through such intersection with said stop street shall have the right-of-way.
(Code 1976, § 16-71; Code 1982, § 12-98; Ord. No. 2009-Code-06, 5-14-09)

Sec. 34-112. Parking of oversized vehicles and trailers prohibited.

(a) It shall be unlawful for any person to park any vehicle or trailer of 80 inches or more in width or 30 feet or more in length on the streets within the corporate limits of the town at any time except for the duration of the following activities:

- (1) When actively engaged in loading or unloading;
- (2) Temporary parking for emergency services to a vehicle or trailer to repair a mechanical breakdown;
- (3) Temporary parking at a construction site during the period of active construction.

Provided, that this section shall not apply to any mass transit buses or to school buses, when the school buses are parked in conformity with permits issued by the police department.

(b) Any violator who has received a notice of violation under this section may answer such charge before the traffic violation bureau by voluntarily paying a civil penalty of \$10.00.
(Code 1982, § 12-100; Ord. No. 84-2, § 1, 3-8-1984)

Sec. 34-113. Parks and recreation facilities; unauthorized parking.

It shall be unlawful for any vehicle to park on any roadway or in any designated parking space within a town park or recreation facility except for specific use of the park or facility. Parking at all town parks and recreation facilities shall be for parks and recreation patrons only. Violation of this section shall be a misdemeanor and vehicles in violation will be issued a citation and/or may be towed at vehicle owner's expense.

(Code 1982, § 12-101; Ord. No. 89-70, § 1, 9-14-1989)

Sec. 34-114. Town facilities; unauthorized parking.

It shall be unlawful for any vehicle to park on any roadway or designated parking space of a town government facility except for the purpose of visiting and/or conducting business at the facility during the hours of 8:00 a.m. through 5:00 p.m. Monday through Friday. Violation of this section shall be a misdemeanor and vehicles in violation will be issued a citation and/or may be towed at vehicle owner's expense.

(Code 1982, § 12-103; Ord. No. 89-70, § 2, 9-14-1989)

Secs. 34-115—34-141. Reserved.

ARTICLE V. OPERATION OF VEHICLES GENERALLY***Sec. 34-142. Vehicles emerging from alley or driveway.**

The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk areas extending across any alleyway. (Code 1976, § 16-35; Code 1982, § 12-111)

State law reference—Yielding on entering roads from driveways, buildings, etc., G.S. 20-156.

Sec. 34-143. Vehicles moving from parked positions.

Vehicles moving from parked positions shall move out in the direction headed, or if they are parked at any angle with the curb they shall back out on that angle until they have cleared the other vehicles and shall then proceed in the direction they are most nearly headed.

(Code 1976, § 16-39; Code 1982, § 12-112)

Sec. 34-144. Turning around.

No driver shall turn any vehicle so as to proceed in the opposite direction in the business district. (Code 1976, § 16-33; Code 1982, § 12-114)

Sec. 34-145. Backing.

No driver shall back a vehicle into any intersection, or over a crosswalk, and shall not in any event, or at any place, back a vehicle unless such movement can be made in safety and he shall have given ample warning to those who may be behind by hand and horn or other signal.

(Code 1976, § 16-34; Code 1982, § 12-115)

Sec. 34-146. Yield right-of-way signs.

(a) The Director of Engineering is authorized to designate main-traveled or through streets by erecting at the entrance thereto from intersecting streets signs notifying drivers of vehicles to yield the right-of-way to drivers of vehicles approaching the intersection on the main-traveled or through street. The streets on which the traffic shall yield the right-of-way shall be described in Traffic Schedule 11, Yield Signs. Whenever such yield right-of-way signs have been so erected, the driver of any vehicle entering the main-traveled or through street shall yield the right-of-way to any vehicle in movement on the main-traveled or through street which is approaching so as to arrive at the intersection at approximately the same time as the vehicle entering the main-traveled or through street.

(Code 1976, § 16-72; Code 1982, § 12-117; Ord. No. 2009-Code-06, 5-14-09)

State law reference—Yield right-of-way signs, G.S. 20-158.1

***State law reference**—Operation of vehicles and rules of the road, G.S. 20-138.1 et seq.

Sec. 34-147. Turning at channelized intersections.

The Director of Engineering is authorized to mark town-maintained intersections for channelization. The Director of Engineering is authorized to mark such state roadways as approved by the North Carolina Department of Transportation. Intersections so marked shall be described in Traffic Schedule 12, Channelized Intersections. Markings on any roadway may be altered or eliminated per authorized procedure as safety and construction concerns may dictate.

(Code 1976, § 16-32; Code 1982, § 12-118; Ord. No. 88-10, § 1, 7-14-1988; Ord. No. 2009-Code-06, 5-14-09)

State law reference—Turning at intersections, G.S. 20-153.

Sec. 34-148. Commercial vehicles on certain streets.

No person shall operate any commercial vehicle exceeding one-half ton capacity at any time upon any of the streets or parts of streets described in Traffic Schedule 13, Commercial Vehicles Prohibited, except that such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise and then only by entering such street at the intersection nearest the destination of the vehicle and proceeding thereon no farther than the nearest intersection thereafter.

(Code 1976, § 16-37; Code 1982, § 12-119; Ord. No. 2009-Code-06, 5-14-09)

Sec. 34-149. Speed limit on through highways and state maintained streets.

(a) A person may operate a vehicle on any street of the town designated as a through highway or state maintained street, at a rate of speed posted thereon as provided by ordinances of the town with concurring regulations of the state department of transportation, where applicable; provided, that at no time shall the speed be greater than is reasonable and prudent under the conditions then existing or to conform with the state speed laws.

(b) No person shall operate a vehicle at a greater rate of speed than that specified on those portions of through highways and state maintained streets described in Traffic Schedule 14, Speed Limits.

(Code 1976, § 16-40; Code 1982, § 12-120; Ord. No. 2009-Code-06, 5-14-09)

State law reference—Speed restrictions, G.S. 20-141.

Sec. 34-150. Speed limit on nonhighway streets.

No person shall operate a vehicle on a nonhighway system street in a residential district in excess of 25 miles per hour.

(Code 1976, § 16-41; Code 1982, § 12-121; Ord. No. 90-56, § 1, 11-8-1990; Ord. No. 2009-Code-06, 5-14-09)

Sec. 34-151. Speed limits in school zones.

Speed limits for school zones are established in Traffic Schedule 15, Speed Limits in School Zones. The times for each school speed zone will be in effect, at a minimum, from 30 minutes before to 30 minutes after school begins and ends on school days only. School speed zones will be designated by signs giving notice of the school zone, the authorized speed limit, and the days and hours when the lower limit is effective, or by signs giving notice of the school zone, the authorized speed limit and which indicate the days and hours the lower limit is effective by an electronic flasher

operated with a time clock. The speed limit in a school zone shall be 10 miles per hour less than the normally posted speed limit for that segment of roadway, but not less than a speed limit of 25 miles per hour.

(Code 1982, § 12-123; Ord. No. 90-59, § 1, 11-8-1990; Ord. No. 96-014, 11-14-1996; Ord. No. 2007-09, 7-26-2007; Ord. No. 2009-Code-06, 5-14-2009; Ord. No. 2009-Code-09, 8-13-2009)

State law reference—Speed limits in school zones, G.S. 20-141.1.

Sec. 34-152. Limitations on privilege of overtaking and passing—Generally.

(a) The driver of a vehicle shall not drive to the left side of the center line of a street or highway upon the crest of a grade or upon a curve in the street or highway where such center line has been placed by the town and is visible.

(b) The driver of a vehicle shall not overtake and pass another on any portion of the street or highway which is marked by signs, markers or markings placed by the town stating or clearly indicating that passing should not be attempted.

(Code 1982, § 12-124; Ord. No. 93-27, § 1, 4-8-1993)

Sec. 34-153. Same—On specified streets.

The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction of travel on any portion of West Chatham Street from its intersection with Old Apex Road to its intersection with Cary Parkway, except for the following conditions:

(1) The driver of a vehicle may overtake and pass another vehicle proceeding in the same direction when the roadway has been marked for two or more lanes of moving vehicles which are not occupied by parked vehicles; and

(2) The driver of a vehicle may overtake and pass upon the right of another vehicle when the vehicle overtaken is in a lane designated for left turns.

(Code 1982, § 12-125; Ord. No. 93-28, § 1, 4-8-1993)

Secs. 34-154—34-174. Reserved.

ARTICLE VI. MOVEMENT OF HEAVY VEHICLES OR ARTICLES*

Sec. 34-175. Special permits

The town manager or designee shall have full authority to issue permits pursuant to G.S. 20-119, and no permit shall be issued by him unless, in his judgment, it is deemed advisable and not likely that damage to public or private property will occur therefrom.

(Code 1976, § 14-44; Code 1982, § 12-139)

***State law reference**—Size, weight, construction and equipment of vehicles, G.S. 20-115 et seq.

Sec. 34-176. Change of route.

If some unforeseen difficulty should prevent the following of the exact route described in the permit for the removal of any particular machine or piece of machinery, application shall be made to the town manager before entering upon any part of the new route and the permit corrected to show the description of such route.

(Code 1976, § 14-45; Code 1982, § 12-140)

Secs. 34-177—34-205. Reserved.**ARTICLE VII. IMPOUNDMENT*****Sec. 34-206. 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 motor vehicle shall mean a motor vehicle which:

- (1) Has been left upon a street or highway in violation of a law or ordinance prohibiting parking; or
- (2) Is left on property owned or operated by the town for longer than 24 hours without the consent of the town; or
- (3) Is left on private property without the consent of the owner or occupant or lessee thereof for longer than two hours; or
- (4) Is left on any public street or highway for longer than seven days without valid registration or license plate.

Aesthetic nuisance vehicle shall mean a junked motor vehicle on public or private property that has been determined by authorized officials of the planning department to be so offensive to the sight as to damage the community, neighborhood or area appearance. In making the determination, the authorizing official must find that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the private property owner. Such findings 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. Factors that may be considered are protection of property values, promotion of tourism, indirect protection of health and safety, preservation of the character and integrity of the community, or promotion of the comfort, happiness and emotional stability of area residents; provided that this paragraph shall not apply to any motor vehicle that is used on a regular basis for business or personal use, nor shall it apply to the removal or disposal of a motor vehicle kept or stored at a bona fide "auto graveyard" or "junkyard" as defined in G.S. 136-143.

***State law reference**—Removal and disposal of junked and abandoned motor vehicles, G.S. 160A-303.

Junked motor vehicle shall mean a motor vehicle that does not display a current license plate lawfully upon that vehicle and:

- (1) Is partially dismantled or wrecked; or
- (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 vehicle shall mean and include all machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.

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

- (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests; or
- (2) A point of heavy growth of weeds or other noxious vegetation over eight inches in height; or
- (3) A point of collection of pools or ponds of water; or
- (4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor; or
- (5) One which has areas of confinement which cannot be operated from the inside, such as trunks, hoods, etc.; or
- (6) So situated or located that there is a danger of it falling or turning over; or
- (7) Used by children in play activities; or
- (8) One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind; or
- (9) One which has sharp parts which are jagged or contain sharp edges of metal or glass; or
- (10) Any other vehicle specifically declared a health and safety hazard or a public nuisance by the town council.

Tow in any of its forms shall mean removing a vehicle by any means; including towing and storing the vehicle.

(Code 1982, § 12-157; Ord. No. 89-66, § 1, 9-14-1989; Ord. No. 90-28, § 1, 4-12-1990; Ord. No. 02-019, 8-8-2002)

Sec. 34-207. Abandoned, nuisance and aesthetic nuisance vehicles unlawful; towing authorized; responsibility for costs.

(a) *Abandoned, nuisance and aesthetic nuisance vehicles unlawful.*

- (1) It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle to abandon the motor vehicle on public property within the town's municipal boundaries for such time and under such circumstances as to cause such vehicle to appear to have been abandoned.

- (2) It shall be unlawful for the registered owner or person entitled to 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.
- (3) It shall be unlawful for the registered owner or person entitled to 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 an aesthetic nuisance vehicle.

(b) *Towing authorized.* Upon investigation, the proper officials of the planning department or police department may determine and declare that a motor vehicle is abandoned, a nuisance vehicle or aesthetic nuisance vehicle and order the vehicle removed from the property.

(c) *Owner responsible for removal costs.* If an abandoned vehicle is removed by or at the direction of the town, the owner shall pay all reasonable costs incidental to the removal and storage of such vehicle and incidental to locating the owner thereof. If an abandoned vehicle is towed from private property, it shall be at the direction of the property owner. Town officials will assume no responsibility for the removal of abandoned vehicles from private property.

(d) *Town responsible for removal costs.* If a vehicle is declared to be a nuisance or an aesthetic nuisance, the vehicle/property owner may have the option to have the vehicle removed from their property at no expense. In order to have the vehicle removed at no expense to the owner, a signed consent form and vehicle title of ownership must be given to the town and the towing company. If the above stated requirements are not provided to the town, civil penalties shall be issued for a maximum of 10 days for each day the vehicle remains in violation. If the vehicle remains on the property in excess of 10 days, the violation and civil penalties may be handled as a civil action in small claims court. A request will be made to collect civil penalties and to order the vehicle removed from the property.

(Code 1982, § 12-158; Ord. No. 89-66, § 1, 9-14-1989; Ord. No. 90-28, § 1, 4-12-1990; Ord. No. 02-019, 8-8-2002)

Sec. 34-208. Administration.

(a) *Responsibilities of town departments.* The police department and planning department of the town shall be responsible for the administration and enforcement of this article. The police department shall be responsible for administering the towing and disposition of vehicles determined to be "abandoned" on the public streets and highways within the town and on property owned by the town. The planning department shall be responsible for determining which vehicles are nuisance or aesthetic nuisance vehicles and shall be responsible for towing and disposing of nuisance and aesthetic nuisance vehicles located on private property. The town may, on an annual basis, contract with private tow truck operators or towing businesses to tow, store and dispose of vehicles.

(b) *Right to inspect vehicles on private property.* Duly authorized officials of the planning department shall have the right, upon presentation of proper credentials and identification, to enter any premises within the jurisdiction of this article during daylight hours to determine if any vehicle qualifies as a nuisance or aesthetic nuisance as defined in article VII.

(Code 1982, § 12-159; Ord. No. 89-66, § 1, 9-14-1989; Ord. No. 90-28, § 1, 4-12-1990; Ord. No. 02-019, 8-8-2002)

Sec. 34-209. Removal of abandoned, nuisance and aesthetic nuisance vehicles; pre-towing requirements.

(a) *Pre-towing notice not required.* Except as set forth in subsection (d), an abandoned motor vehicle may be towed by or at the direction of the town without pre-towing notice if the abandoned motor vehicle has valid registration plate and registration or if the last registered owner is known to the town, provided post-towing notice is thereafter given as set forth in section 34-210.

(b) *Pre-towing notice required.* Except as set forth in subsection (d), an abandoned motor vehicle without valid registration plate or registration, or for which the town does not know the last registered owner, nuisance and aesthetic nuisance vehicles may be towed only after notice to the owner or person entitled to possession of the vehicle. Notice shall be given by affixing notice on the windshield or some other conspicuous place on the vehicle. The notice shall state that civil penalties will begin in seven days after the notice is received unless the vehicle is moved by the owner or legal possessor prior to that time. Additionally, in the case of a nuisance, and aesthetic nuisance motor vehicle, if the names and mailing addresses of the owners of the vehicles or the real property upon which it is located can be ascertained in the exercise of reasonable diligence, the notice shall also be given to both by first-class mail. The person who mails notices shall retain a written record to show the names and addresses to which mailed, and the date mailed.

(c) *Pre-towing appeal.* If the owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is a nuisance or aesthetic nuisance vehicle, such appeal shall be made within seven days of the date of the pre-towing notice to the planning director in writing, reviewed within seven days, and further proceedings to remove the vehicle and to impose the civil penalty provided in section 34-215 shall be stayed until the appeal is decided.

(d) *Pre-towing notice exception for certain abandoned and nuisance vehicles.* If an authorizing official finds that an abandoned motor vehicle on public streets impedes the flow of traffic or otherwise jeopardizes the public welfare so that immediate removal is necessary, that vehicle may be removed without any pre-towing notice. Such findings shall be entered by the authorizing official in appropriate daily records. Circumstances justifying the immediate removal of motor vehicles include vehicles obstructing traffic; parked in violation of an ordinance prohibiting or restricting parking; parked in a no stopping or standing zone; parked in loading zones; parked in bus zones; or parked in violation of temporary parking restrictions imposed by the town. Abandoned vehicles and nuisance vehicles on other public or town property may be removed without pre-towing notice only in those circumstances where the authorizing official finds, and enters such findings in appropriate records, a special need for prompt action to maintain the public health, safety and

welfare. By way of illustration and not of limitation, such circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in such a location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property. (Code 1982, § 12-160; Ord. No. 89-66, § 1, 9-14-1989; Ord. No. 90-28, § 1, 4-12-1990; Ord. No. 02-019, 8-8-2002)

Sec. 34-210. Removal of vehicle; post-towing notice requirements.

(a) *Content of post-towing notice.* Any abandoned motor vehicle or any vehicle which has been determined to be a nuisance or aesthetic nuisance vehicle may be removed to a storage garage or area by a towing business contracting to perform such services for the town. The town shall, immediately after removing any abandoned or nuisance vehicle, notify the last known registered owner of the vehicle, such notice to include the following:

- (1) A description of the removed vehicle;
- (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 of the vehicle as described in section 34-211.

(b) *Notice to be mailed.* This notice shall be mailed to the owner's last known address, unless waived in writing. Additionally, the town shall attempt to give notice to the registered owner by telephone.

(c) *Notice for registered vehicles.* If the vehicle is registered in North Carolina, notice shall be mailed within 24 hours. If the vehicle is not registered in the state of North Carolina, notice shall be mailed to the owner within 72 hours from the removal of the vehicle.

(d) *Notice for unregistered abandoned, nuisance and aesthetic nuisance vehicles.* Whenever an abandoned motor vehicle, a nuisance vehicle or an aesthetic nuisance vehicle is removed and such vehicle has no valid registration or registration plate, the authorizing town official shall make reasonable efforts, including the checking of the vehicle identification number, to determine the last known registered owner of the vehicle and to notify him of the information as set forth in subsection (a), items (1) through (5) above.

(e) *Compliance with general statutes.* All post-towing notices shall comply with the provisions of G.S. 20-219.11.

(Code 1982, § 12-161; Ord. No. 89-66, § 1, 9-14-1989; Ord. No. 90-28, § 1, 4-12-1990)

Sec. 34-211. Right to probable cause hearing before sale or final disposition of vehicle; right to recover vehicle; unauthorized removal unlawful.

(a) *Probable cause hearing.* After towing of an abandoned, nuisance or aesthetic nuisance vehicle, the owner or other person entitled to possession may request in writing a hearing to determine if probable cause existed for removing the vehicle. The request must be filed with the

magistrate in the county where the vehicle was towed. 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. 20-219.11.

(b) *Recovery of vehicle.* At any time after towing of an abandoned, nuisance or aesthetic nuisance motor vehicle, the owner may obtain possession of the motor vehicle by paying the fee for towing and storage or by posting bond in accordance with G.S. 20-219.12.

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

(Code 1982, § 12-162; Ord. No. 89-66, § 1, 9-14-1989; Ord. No. 90-28, § 1, 4-12-1990)

Sec. 34-212. Sale and disposition of vehicle.

(a) *Consent of owner.* With the consent of the registered owner, the town or tow truck operator may dispose of any vehicle without holding it for any prescribed period of time.

(b) *Sale of vehicle.* An abandoned, nuisance or aesthetic nuisance motor vehicle shall be held for a period of at least 30 days, during which time the owner may claim it by exhibiting proof of ownership to the town or towing business that removes the vehicle and by paying the costs incidental to its towing and storage. A motor vehicle may, after being held for 30 days, be sold in accordance with the provisions of G.S. 44A-4, G.S. 44A-5, and G.S. 44A-6, provided that, if the town is responsible for collecting towing or removal fees, no hearing in addition to the probable cause hearing described in section 34-211 shall be required. If no one purchases the vehicle at the sale, and if the value of the vehicle is less than the amount of the lien, the town may destroy the vehicle.

(c) *Post-sale notice to the department of motor vehicles.* Within 15 days after final disposition of a junked motor vehicle, written notice thereof shall be given to the department of motor vehicles that the vehicle has been determined to be a junked motor vehicle and disposed of as such. The notice shall contain as full and accurate a description of the vehicle as can be reasonably determined.

(Code 1982, § 12-163; Ord. No. 89-66, § 1, 9-14-1989; Ord. No. 90-28, § 1, 4-12-1990)

Sec. 34-213. Disposition of proceeds of sale.

The proceeds of the sale of an abandoned, nuisance or aesthetic nuisance motor vehicle shall be applied as set forth in G.S. 44A-5 as follows:

- (1) Payment of reasonable expenses incurred in connection with the sale, including but not limited to, reasonable storage expenses after giving notice of sale;
- (2) Payment of towing costs and costs incurred in connection with learning the identity of the vehicle's owner or the owner of the real estate on which a nuisance vehicle is located; and

- (3) Any surplus shall be paid to the person entitled thereto, but when such person cannot be found, this surplus shall be paid to the Clerk of Superior Court of Wake County to be held by the clerk for the person entitled thereto.

(Code 1982, § 12-164; Ord. No. 89-66, § 1, 9-14-1989; Ord. No. 90-28, § 1, 4-12-1990)

Sec. 34-214. Exceptions.

Nothing in this article shall apply to any motor vehicle in an enclosed building; on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of such business enterprise; located in a bona fide "auto graveyard" or "junkyard" as defined in G.S. 136-143 in accordance with "Junkyard Control Act" (G.S. 136-141 et seq.; or in an appropriate storage place or depository maintained in a lawful place and manner by the town.

(Code 1982, § 12-166; Ord. No. 89-66, § 1, 9-14-1989; Ord. No. 90-28, § 1, 4-12-1990)

State law reference—Similar provisions, G.S. 160A-303(g).

Sec. 34-215. Civil penalty.

(a) *Civil penalty.* Any violation of section 34-207(a)(2) and (3) of this article shall subject the offender to a civil penalty in the amount of \$50.00. No penalty shall be imposed if the offender removes the motor vehicle from the property within seven days of the date the pre-towing notice has been given by the town pursuant to section 34-209. If the offender does not remove the motor vehicle from the property within seven days of the pre-towing notice, the penalty may be imposed for each day the vehicle was permitted to remain on the property, commencing with the date the pre-towing notice was received and terminating on the date of removal of the motor vehicle (no more than 10 days), each day's violation constituting a separate offense. Violation of section 34-207(a)(2) and (3) shall not be prosecuted as a misdemeanor.

(b) *Recovery of penalty.* The penalty may be recovered by the town in a civil action in the nature of debt if the offender does not pay the penalty within the prescribed period of time after he has been issued a citation.

(c) *Citation.* The offender shall be issued a written citation by delivery in person or mailed by certified or registered mail. The civil penalty must be paid within 72 hours of receipt of written citation by the offender.

(Code 1982, § 12-167; Ord. No. 90-28, § 1, 4-12-1990)

Sec. 34-216. Article cumulative.

Procedures set forth in this article shall be in addition to any other remedies that may exist under law or ordinance to the abatement of public nuisances.

(Code 1982, § 12-168; Ord. No. 89-66, § 1, 9-14-1989; Ord. No. 90-28, § 1, 4-12-1990)

Secs. 34-217—34-240. Reserved.

ARTICLE VIII. BICYCLES AND MOTORCYCLES

Sec. 34-241. Application of traffic laws to bicycles.

Every person riding a bicycle upon a roadway shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle and the traffic provisions of this Code applicable to the driver of a vehicle, except as to those provisions of ordinances which by their nature are inapplicable.

(Code 1976, § 16-95; Code 1982, § 12-176)

Sec. 34-242. Obedience to traffic control devices.

(a) Any person operating a bicycle shall obey the instructions of official traffic control signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.

(b) Whenever authorized signs are erected indicating that a turning movement is restricted, no person operating a bicycle shall disobey the direction of any such sign, except where that person dismounts from the bicycle to make the turn, in which event such person shall then obey the regulations applicable to pedestrians.

(Code 1976, § 16-96; Code 1982, § 12-177)

Sec. 34-243. Manner of riding bicycle.

(a) A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.

(b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(Code 1976, § 16-97; Code 1982, § 12-178)

Sec. 34-244. Riding abreast on roadways.

Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles or unless participating in a town sponsored or sanctioned biking event.

(Code 1976, § 16-98; Code 1982, § 12-179; Ord. No. 00-001, § 1, 3-8-2001)

Sec. 34-245. Emerging from alley or driveway.

The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area. Upon entering the roadway the operator shall yield the right-of-way to all vehicles approaching on the roadway.

(Code 1976, § 16-100; Code 1982, § 12-180)

Sec. 34-246. Speed.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions existing.

(Code 1976, § 16-99; Code 1982, § 12-181)

Sec. 34-247. Clinging to moving vehicles.

No person riding upon any bicycle, motorcycle, coaster, sled, rollerskates or any toy vehicle shall attach the same or himself to any public conveyance or moving vehicle upon any roadway.

(Code 1976, § 16-101; Code 1982, § 12-182)

Sec. 34-248. Riding on handlebars, etc.

The operator of a motorcycle or bicycle, when upon a street, shall not carry any person upon the handlebars, frame or tank of any such vehicle, nor shall any person so ride upon any such vehicle.

(Code 1976, § 16-102; Code 1982, § 12-183)

Sec. 34-249. Hands on handlebars; carrying articles.

(a) No person shall ride a bicycle or motorcycle on any street without having at least one hand upon the handlebars.

(b) No person operating a bicycle shall carry any package, bundle or article which prevents him from keeping at least one hand upon the handlebars.

(Code 1976, § 16-103; Code 1982, § 12-184)

Sec. 34-250. Riding on sidewalk.

No person shall ride a bicycle on any sidewalk within the town without due caution and shall yield the right-of-way to all pedestrians using said sidewalks.

(Code 1976, § 16-104; Code 1982, § 12-185; Ord. No. 99-008, § 1, 6-10-1999)

Sec. 34-251. Equipment on bicycles.

(a) A bicycle shall not be equipped with, nor shall any person use, any siren or whistle upon a bicycle.

(b) Bicycles shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

(Code 1976, § 16-105; Code 1982, § 12-186)

State law reference—Lighting equipment, G.S. 20-129.

Sec. 34-252. Parking.

No bicycle shall be parked or left standing on any street or sidewalk so as to unnecessarily obstruct the normal flow of vehicular or pedestrian traffic or as to otherwise create any undue safety hazard.

(Code 1976, § 16-106; Code 1982, § 12-187; Ord. No. 01-001, § 1, 3-8-2001)

Sec. 34-253. Motorcycles and off-highway motor vehicles generally.

(a) *Purpose.* The purpose of this section is to exercise the general police power in order to protect the enjoyment and use of public and private property, to protect the rights of privacy, to preserve property and personal values and to promote peace and quiet within this town by regulating the use of motorcycles, motor-driven cycles or off-highway motor vehicles on public and private property. This section shall not apply to the driving, riding and use of motorcycles, motor-driven cycles or off-highway motor vehicles on streets and highways or in other areas which are specifically governed or preempted by the General Statutes of North Carolina.

(b) *Use.* It shall be unlawful for any person to drive, ride, or use a motorcycle, motor-driven cycle, or off-highway motor vehicle, including but not limited to motor scooters, motorbikes and minibikes, upon any public or private property which is not a public street or highway, including those properties designated as greenway or bicycle path except that this subsection shall not apply in any of the following instances:

- (1) Where such vehicle is being driven, ridden or used upon property by the owner, resident or occupant of such property, or by an authorized visitor when such visitor is accompanied by or has a written authorization in his possession from the owner, resident or occupant of such property.
- (2) Where such use is permitted in accordance with the zoning ordinance of the town.

(c) *Mufflers.* It shall be unlawful for any person drive, ride or use a motorcycle, motor-driven cycle or off-highway motor vehicle, including but not limited to motor scooters, motorbikes and minibikes, upon any public or private property which is not a public street or highway, unless said motorcycle, motor-driven cycle, or off-highway motor vehicle is at all times equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, annoying smoke and smoke screens, and it shall be unlawful to use a muffler cutout.

(Code 1982, § 12-188; Ord. No. 78-9, § 1, 4-27-1978; Ord. No. 87-103, § 3, 12-10-1987)

State law reference—General ordinance-making power, G.S. 160A-174.

Sec. 34-254. Exemption for police bicycle patrols.

Any police officer riding or operating a bicycle in the performance of duty is exempted from all provisions of the Town Code, so long as the actions of the officer(s) are deemed reasonable and with due regard for the public's safety. Furthermore, this exemption shall be deemed applicable to any and all provisions of the Code where the regulation of bicycles is addressed.

(Code 1982, § 12-189; Ord. No. 94-030, 10-13-1994)

Sec. 34-255. Bicycle helmets required.

(a) Every person 15 years of age or under operating a bicycle, inline skates, roller skates, skateboard, scooter, or other similar vehicle or device on a public street, sidewalk, greenway, or other right-of-way or on any property owned or controlled by the town shall wear a protective helmet

on his or her head, with the chin strap securely fastened under the chin. Such helmet shall be fitted to the size of the operator and shall meet or exceed the standards for bicycle helmet use and wear as set by ANSI (American National Standards Institute) or the Snell Memorial Foundation.

(b) No passenger 15 years of age or under may ride on a bicycle on any of the locations enumerated in subsection (a) without wearing a helmet as described in subsection (a).

(c) No parent or guardian of any juvenile operating, or a passenger of, any vehicle or device described in subsections (a) and (b) above shall knowingly allow a violation of this section.

(Code 1982, § 12-190; Ord. No. 99-009, § 1, 6-10-1999; Ord. No. 01-004, § 1, 4-12-2001)

State law reference(s) Bicycle helmets, G.S. 20-171.9.

Sec. 34-256. Penalty.

In those sections requiring compliance by juveniles 15 years of age or under, the parents or guardians shall be deemed responsible for insuring such compliance.

(Code 1982, § 12-198; Ord. No. 99-010, § 1, 6-10-1999)

Secs. 34-257—34-275. Reserved.

ARTICLE IX. OPERATION OF GOLF CARTS ON PUBLIC STREETS AND ROADS

Sec. 34-276. Authority to regulate.

Pursuant to G.S. 160A-300.6, the town is authorized, by ordinance, to require the registration of, and regulate the operation of electric powered golf carts upon any public street or road within the town.

(Code 1982, § 12-230; Ord. No. 02-008, § 1, 3-14-2002; Ord. No. 2010-Code-05, 7-15-2010)

Sec. 34-277. 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:

Golf cart means a golf cart as defined by G.S. 20-4.01(12a).

Operate means to drive, or be in physical control of a golf cart that is moving or has its engine on.

Public streets and roads are those roads defined in section 34-279 and 34-280 below.

(Code 1982, § 12-231; Ord. No. 02-008, § 1, 3-14-2002; Ord. No. 2010-Code-05, 7-15-2010)

Sec. 34-278. Operation on public streets and roads.

It is unlawful to operate a golf cart on a public street or road within the town unless the following requirements are met.

- (1) The golf cart may only be operated on streets and roads that meet the requirements of section 34-279 or section 34-280 below.

- (2) No person may operate a golf cart unless that person is licensed to drive upon the streets and highways of North Carolina and then, only in accordance with such driver's license. An operator of golf cart must be at least 16 years of age.
- (3) Only the number of people the golf cart is designed to seat may ride on a golf cart, specifically, passengers shall not be carried on the part of a golf cart designed to carry golf bags.
- (4) No golf cart may be operated at a speed greater than reasonable and prudent for the existing conditions, and in no instance at a speed greater than 20 miles per hour.
- (5) No golf cart may be operated in a careless or reckless manner.
- (6) Golf carts must be operated to the extreme right of the roadway and must yield to all vehicular and pedestrian traffic.
- (7) Golf carts may be operated in bicycle lanes on the streets and roads permitted by section 34-279 and section 34-280 below provided they do not impede bicycle traffic.
- (8) Golf carts may be operated only during daylight hours, with the exception that golf carts equipped with operating lights and reflectors meeting the requirements set forth below may operate only between the hours of 7:00 a.m. to 10:00 p.m.:
 - a. Two lighted lamps, one on each side of the front of the golf cart, visible under normal atmospheric conditions from a distance of at least 300 feet in front of such golf cart, and a red lamp on the rear, exhibiting a red light visible under like conditions from a distance of at least 200 feet to the rear of such golf cart.
 - b. In lieu of the red lamp, the golf cart may be equipped at the rear with two red reflectors of a diameter of not less than three inches which are so designed and located as to height and which are maintained so that each reflector is visible for at least 500 feet when approached by a motor vehicle displaying lawful undimmed headlights.
- (9) Golf carts must be operated in accordance with all applicable state and local laws and ordinances, including all laws, regulations and ordinances pertaining to the possession and use of alcoholic beverages.
- (10) Golf carts must have the basic equipment supplied by the manufacturer, including a vehicle identification number. Such equipment must include all safety devices as installed by said manufacturer, including lights and reflectors if the vehicle is to be operated at any time before sunrise or after sunset, as provided in section 34-278.
- (11) The chief of police, or his designee, may prohibit the operation of golf carts on any street or road if the chief determines that the prohibition is necessary in the interest of safety.
(Code 1982, § 12-232; Ord. No. 02-008, § 1, 3-14-2002; Ord. No. 06-003, 2-9-2006; Ord. No. 2010-Code-05, 7-15-2010)

Sec. 34-279. Streets and roads approved for use.

(a) Golf carts authorized for use under the provisions of this article may be operated in the town on public streets and roads only within the Preston PUD and on those public streets and roads in the town that directly connect portions of the Preston PUD to each other. The following requirements must also be met as follows:

- (1) Golf carts may only be operated on local streets and roads with a posted speed limit for motor vehicles of 30 miles per hour or less, provided, however, that golf carts may cross streets and roads with higher speed limits at designated golf cart crossing locations or at intersections in accordance with the rules of the road.
- (2) Golf carts shall cross to the opposite side of local streets only at designated crossing locations unless an exigent circumstance exists where the golf cart operator must take an evasive action(s).
- (3) Golf carts shall not be operated on the sidewalks except to cross over to a street or road from a private drive or at an approved crossing location.
- (4) Golf carts shall not be operated on or across any public or private properties without the permission of the property owner.

(b) During an emergency situation or at a special event, any police officer supervising or controlling traffic may direct that golf carts be operated on or upon other locations.

(Code 1982, § 12-233; Ord. No. 02-008, § 1, 3-14-2002)

Sec. 34-280. Other residential streets and roads approved for use of golf carts.

(a) *Applicability.* Golf carts may also be operated upon certain public residential streets in a development that includes residential areas with at least one thousand dwelling units, and that has been issued a certificate from the chief of police ("certificate") in accordance with this section. To be issued a certificate, the property owner or developer (for undeveloped parcels) or the home owners association (jointly "owner") shall provide adequate documentation that the residential portion of the development meets all of the following criteria:

- (1) The residential area within which golf carts may be operated must encompass a minimum of 100 total acres and a minimum of 200 total dwelling units. Such residential area shall consist of defined neighborhoods, subdivisions, and/or groups of neighborhoods or subdivisions bounded by any designated thoroughfare.
- (2) The residential area within which golf carts may be operated shall include a recreation and/or community center for residents of the development that offers social, educational and/or fitness programs.
- (3) The owner shall provide a written proposal ("proposal") for the use of golf carts on public residential streets within the development. The proposal shall include:
 - a. A proposed plan showing the nature of the streets where such carts are proposed to be used, including street widths, speed limits, the existence of any on-street parking, and other related information as deemed necessary by the town; and

- b. A signage plan showing the local residential streets or roads where golf carts may be used, designated crossing locations, the boundary of allowable areas for golf cart use, and other directional information ("signage plan").

(b) Upon receipt of the adequate documentation, the Town of Cary will review the documentation, proposal and signage plan with engineering and public safety consideration given to the nature of the residential development and the design of roads within the residential development, including, but not limited to, sight distances, horizontal and vertical curvature, intersections, speed limits, parking, and road widths of the specific public streets where golf carts are proposed to be operated. If the residential development meets the criteria above and the proposal appears to adequately address the considerations stated above, the police department may issue a certificate. The certificate shall be conditioned upon the development maintaining its qualifying status hereunder and continuing to meet the requirements specified herein. Upon the issuance of a certificate, owner shall post all areas shown on signage plan with sign approved by the planning department prior to the use of any golf cart within the development. All signs shown on signage plan shall be maintained during the term of the certificate by the owner. Additionally, the owner shall create and maintain a golf cart registration system that includes the issuance of numbered stickers for display on registered carts at all times. The Town of Cary reserves the right to revoke or alter the terms of the certificate if significant safety issues arise, without the approval of the owners.

(c) *Operational requirements.* With respect to the operation of golf carts within the residential developments described in this section, the following requirements shall apply:

- (1) Golf carts may only be operated on local residential streets and roads with a posted speed limit for motor vehicles of 30 miles per hour or less.
- (2) Golf carts may operate on local streets where on-street parking is permitted only as approved per section 34-280(a)(3).
- (3) Golf carts are prohibited from crossing collector streets except at identified crossing points.
- (4) Golf carts are prohibited from crossing thoroughfare streets and roads except at grade-separated locations.
- (5) Golf carts shall not be operated on sidewalks except to cross over to a street or road from a private drive or at an approved crossing location.
- (6) Golf carts shall not be operated on or across any public or private properties without the permission of the property owner.
- (7) During an emergency situation or at a special event, any public safety officer supervising or controlling traffic may direct any golf cart operator to operate the golf cart on alternate routes of travel.
- (8) Golf carts may be operated on public residential streets only between the hours of 7:00 a.m. to 10:00 p.m.

(Ord. No. 06-003, 2-9-2006)

Sec. 34-281. Enforcement.

Violation of this article shall be an infraction, the maximum penalty for which shall be \$50.00, provided however, that operating a golf cart under the influence of an impairing substance (i.e., alcohol or drugs) on a public road or highway is not a violation of this article, but a violation of state law, and is punishable as provided therein.

(Code 1982, § 12-234; Ord. No. 02-008, § 1, 3-14-2002; Ord. No. 06-003, 2-9-2006)

Note—Formerly § 24-280.

Sec. 34-282. Liability disclaimer.

This article is adopted to address the interest of public safety. Golf carts are not designed or manufactured to be used on the public streets, and the town in no way advocates or endorses their operation on public streets or 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 public streets is safe or advisable if done in accordance with this article. All persons who operate or ride upon golf carts on public streets or 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 under any theory of liability and the town assumes no liability, for permitting golf carts to be operated on the public streets and roads under the special legislation granted by the state's legislature. Any person who operates a golf cart is responsible for procuring liability insurance sufficient to cover the risk involved in using a golf cart on the public streets and roads.

(Code 1982, § 12-235; Ord. No. 02-008, § 1, 3-14-2002; Ord. No. 06-003, 2-9-2006)

Note—Formerly § 24-281.

Secs. 34-283—34-300. Reserved.**ARTICLE X. AUTOMATED TRAFFIC CONTROL SYSTEMS****Sec. 34-301. 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:

Automated traffic control system is an automated system consisting of a photographic, video or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic control signal and to automatically produce photographs, automated or digital images of each vehicle violating a standard traffic control.

In operation means operating in good working condition.

System location is the approach to an intersection toward which a photographic, video, or electronic camera is directed and in operation.

Vehicle owner is the person identified by the North Carolina division of motor vehicles as the registered owner of a vehicle.

(Code 1982, § 12-241; Ord. No. 02-004, § 1, 2-14-2002)

Sec. 34-302. Generally.

(a) The town shall maintain a list of system locations where automated traffic control systems are located.

(b) If a violation of G.S. 20-158 is detected by both a law enforcement officer and a traffic control photographic system, the officer may charge the offender with an infraction. If the officer charges the offender with an infraction, a civil penalty issued by the municipality for the same offense is void and unenforceable.

(c) The citation shall clearly state the manner in which the civil violation may be appealed. The citation shall be processed by officials or agents of the town and shall be forwarded by personal service or first-class mail to the owner's address as given on the motor vehicle registration.

(Code 1982, § 12-242; Ord. No. 02-004, § 1, 2-14-2002; Ord. No. 04-002, § 1, 3-11-2004)

Sec. 34-303. Offense.

(a) It shall be unlawful for a vehicle to cross the stop line at a system location when the traffic signal for that vehicle's direction of travel is emitting a steady red light.

(b) The owner of a vehicle shall be responsible for a civil violation under this section, except when said owner can provide evidence that the vehicle was in the care, custody, or control of another person at the time of the violation, as described in subsection (c).

(c) Notwithstanding subsection (b), the owner of the vehicle shall not be responsible for the violation if, within 30 calendar days after notification of the violation, said owner furnishes the officials or agents of the town:

- (1) The name and address of the person or company who leased, rented, or otherwise had the care, custody, or control of the vehicle; or
- (2) An affidavit stating that, at the time of the violation, the vehicle involved was stolen or was in the care, custody, or control of some person who did not have permission of the owner to use the vehicle; or
- (3) A statement that the person who received the citation is not the owner or driver of the vehicle, or that the person who received the citation was not driving a vehicle at the time and location designated in the citation.

(Code 1982, § 12-243; Ord. No. 02-004, § 1, 2-14-2002; Ord. No. 04-002, § 2, 3-11-2004)

Sec. 34-304. Penalty.

Any violation of section 34-303 shall be deemed a noncriminal violation for which a civil penalty of \$50.00 shall be assessed. Failure to pay the civil penalty or to file an appeal within 30 calendar

days of the mailing date of notification of the violation shall result in an additional penalty of \$50.00. The town may establish procedures for the collection of the civil penalties and may enforce the penalties by a civil action in the nature of a debt.

(Code 1982, § 12-244; Ord. No. 02-004, § 1, 2-14-2002)

Sec. 34-305. Appeal.

A notice of appeal shall be filed within 30 calendar days after the mailing date of the notification of the violation. The failure to give notice of appeal within this time period shall constitute a waiver of the right to contest the violation. Appeals shall be heard through a nonjudicial administrative hearing process by a panel established by the town.

(Code 1982, § 12-245; Ord. No. 02-004, § 1, 2-14-2002)

Secs. 34-306—34-320. Reserved.

ARTICLE XI. SCHEDULES

Secs. 34-321—34-334. Reserved.

Editor's note—Traffic schedules are maintained in the Town Clerk's Office.

