

PART 11 - TRANSPORTATION

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CHAPTER 1. - THE DEPARTMENT OF TRANSPORTATION

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Sec. 11-1001. - DIRECTOR, OFFICERS AND EMPLOYEES.

The Department of Transportation *shall* consist of a director of transportation, who *shall* be its administrative head, and such other *officers* and employees as deemed necessary by the Manager and *Council* and whose salaries *shall* be fixed by the *Council*.

Sec. 11-1002. - DEPARTMENTAL ORGANIZATION.

The Department of Transportation *shall* consist of such divisions and organizations as deemed necessary by the director to carry out the functions and duties of the department herein prescribed.

Sec. 11-1003. - FUNCTIONS AND DUTIES OF THE DEPARTMENT.

The functions and duties of the department *shall* be developing and carrying out a broad program of transportation engineering and management, traffic engineering, including transit and transportation planning, the purpose of which is to provide for the safe, economical and efficient movement of *persons* and goods throughout the *City*. The functions *shall* include but not be limited to the *following*:

- (a) Traffic engineering *shall* include the installation, operation, maintenance and repair of all official traffic-control devices authorized by law.
- (b) The transit function *shall* include the complete planning and administration of the transit program of the *City* as further described in Chapter 4 hereof.
- (c) The transportation planning function *shall* include the conduct of studies to determine proper application of official traffic-control devices for the purpose of improving the flow of traffic and increasing the safety of motorists and pedestrians. This function *shall* also include the conduct of a continuing

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transportation planning process to provide coordinated plans for all modes of transportation consistent with the requirements of *the State* and Federal departments of transportation.

(d) Maintaining *City* and state highway system *streets* within the *City* limits in a safe and usable condition in all weather conditions; maintaining and improving all *City* storm drainage systems; installing new storm drainage systems, and other new construction as directed by the *Council*; and cleaning all *City streets* and removing trash and leaves from *City streets*.

(Ord. No. 1998-454, §11, 11-4-98)

Cross reference: Department of Public Works, *street* control and maintenance responsibilities, Part 7, Ch. 2.

CHAPTER 2. - MOTOR VEHICLES AND TRAFFIC

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ARTICLE A. - GENERAL PROVISIONS

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Sec. 11-2001. - DEFINITIONS.

Whenever in this chapter the words hereinafter defined in this section are used they *shall*, unless the context requires otherwise, be deemed to have the *following* meanings:

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Authorized emergency vehicle. An *authorized emergency vehicle* is any vehicle owned by a Federal, state, *County*, or municipal law enforcement *agency* and operated by a member thereof, any vehicle owned and operated by a Fire Department or rescue squad, or any ambulance.

Block. Ablock is the part of a *street* lying between the nearest intersecting *streets* on either side.

Crosswalk. Acrosswalk is the part of a roadway ordinarily included within the prolongation or connection of the lateral boundary lines of the adjacent sidewalk at the end of a block, or any part of a roadway indicated for pedestrian crossing by official traffic-control devices.

Driveway. A way leading from a public *street* to a place on private *property* suitable to and regularly used for the passage or standing of motor vehicles when passage to such area of private *property* is not permanently impeded by any wall, building, or other such structure. A driveway *shall* consist of a curb cut or other such modification and a regularly accessible suitable area of private *property*. A curb cut alone, without such area of private *property* or with access to such area of private *property* permanently obstructed, *shall* not constitute a driveway.

Intersection. An *intersection* is the area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of two (2) or more highways which join one another at any angle whether or not one (1) such highway crosses the other.

Lane. A lane is a section of roadway between marked lines or between a marked line and the edge of a roadway, which section is set aside for a single file of vehicular traffic, except a section reserved for parking.

Median. Amedian is that portion of public right-of-way lying between two (2) roadways and used for the separation of vehicular traffic. A median *may* be paved or unpaved and *may* or *may* not have a raised curb.

Motor vehicle. Amotor vehicle is a vehicle which is self-propelled and designed to run upon the highways, and every vehicle which is pulled by a self propelled vehicle.

Official time standard. The hours designated in time limitations set by this chapter refer to eastern standard time or eastern daylight saving time as *may* be in current use within the *City* by the action of the governing body, the North Carolina General Assembly, or the Congress of the United States.

Official traffic-control device. An *official traffic-control device* is a sign, signal, marking, or device, including a parking meter, placed by authority of the governing body of the *City* for the purpose of regulating vehicular and pedestrian traffic, including parking.

Parking. Park or parking is the standing of a vehicle, whether occupied or not, on a public highway or *street*, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers or in obedience to traffic regulations.

Parking citation. A *parking citation* is a printed notice issued by authority of the governing body of this *City*, informing the individual designated that he or she has violated a provision of this chapter.

Parking meter. A *parking meter* is a coin-operated mechanical device used in regulating parking.

Private road or driveway. Aprivate road ordriveway is a road or driveway not open to the use of the public as a matter of right for the purpose of vehicular traffic.

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Roadway. A *roadway* is the part of a *street* improved, designed, or ordinarily *used for* vehicular traffic.

Sidewalk. A *sidewalk* is the part of a *street* improved for pedestrian traffic.

Stop line. A *stop line* is a line across a roadway or part of a roadway indicating the point behind which vehicles are required to stop in compliance with an official traffic-control device.

Street or highway. A *street* or *highway* is the entire width between *property* or right-of-way 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 schedule. A *traffic schedule* is a separate schedule which is incorporated into by reference and made a part of this chapter, and which designates certain *streets*, parts of *streets*, *street* areas, or times to which a provision of this chapter applies.

Vehicle. A *vehicle* is a device in, upon, or by which any *person* or *property* is or *may* be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks; provided, that for the purposes of this chapter bicycles *shall* be deemed vehicles.

Sec. 11-2002. - DEFINITIONS SUPPLEMENTAL TO GENERAL STATUTES.

Words and phrases used in this chapter and not specifically defined in §11-2001 above *shall* have the meaning respectively ascribed to them by Chapter 20 of the General Statutes of North Carolina.

(Code 1950, §29.1)

State law reference: Definitions in state *motor vehicle* act, G.S. 20-4-01.

Sec. 11-2003. - UNIFORM RULES OF THE ROAD.

The provisions of G.S. 20-138 et seq., which apply to the operation of *vehicles* and rules of the road *shall* be in full force and effect upon the *streets* and *highways* within the *City* and *shall* be enforced wherever applicable.

State law references: Authority of *cities* to regulate traffic, G.S. 160A-300; restrictions on local authorities, G.S. 20-169; operation of *motor vehicles* and rules of the road, G.S. 20-138 et seq.; *motor vehicles* generally, G.S. 20-1 et seq.

Sec. 11-2004. - 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 *City Council*, and retained permanently in the office of the City 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).

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Sec. 11-2005. - PUBLIC EMPLOYEES.

The provisions of this chapter apply to the driver of any *vehicle* owned by or used in the service of the United States government, *this State*, its *counties* or any political subdivision of *this State*, except *persons* and *vehicles* actually engaged in *street* surface work, including *street* cleaning, and in construction, repairs or maintenance, but not while traveling to or from such work.

State law reference: Provisions as to liability for negligent operation of *motor vehicles* by *City* officers, employees or agents, G.S. §160A-185 [et seq.](#)

Sec. 11-2006. - RESERVED.

Editor's note: Former §11-2006, which pertained to exemptions from traffic regulations for *authorized emergency vehicles* and bore no history note, was repealed by Ord. No. 1988-271, §1, adopted Nov. 15, 1988.

Sec. 11-2007. - RESERVED.

Editor's note: Section 1 of Ord. No. 1991-747, adopted March 19, 1991, repealed §11-2007 in its entirety. Formerly, §11-2007 pertained to obstruction on land constituting a traffic hazard and derived from the 1959 Code, §21-11.

Sec. 11-2008. - BICYCLES, MOTORCYCLES AND ANIMALS.

Every *person* riding a bicycle, motorcycle, or animal or driving an animal-drawn *vehicle*, or propelling a push cart upon a *street*, is subject to the provisions of the chapter, except those which are clearly inapplicable.

Cross reference: Bicycles, §11-3001 [et seq.](#)

Sec. 11-2009. - TERRITORIAL APPLICATION.

The provisions of this chapter are in force everywhere within the corporate limits of the *City*, unless otherwise stated.

Sec. 11-2010. - TIME OF APPLICATION.

The provisions of this chapter are in force at all hours of the day or night, unless otherwise stated.

Secs. 11-2011 — 11-2020. - RESERVED.

ARTICLE B. - ADMINISTRATION AND ENFORCEMENT

[Sec. 11-2021. - IN GENERAL.](#)

[Sec. 11-2022. - ACCIDENT INVESTIGATION.](#)

[Sec. 11-2023. - TRAFFIC REGULATION AND PEDESTRIAN SAFETY.](#)

[Sec. 11-2024. - RESERVED.](#)

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[Secs. 11-2028 — 11-2029. - RESERVED.](#)

[Secs. 11-2030 — 11-2050. - RESERVED.](#)

Sec. 11-2021. - IN GENERAL.

It is the duty of the law enforcement *officers* of the *City* to enforce all of the provisions of this chapter and all of *the State motor vehicle* laws.

Cross reference: *Motor vehicle* registration and annual fees, §2-2071 et seq.

Sec. 11-2022. - ACCIDENT INVESTIGATION.

It is the duty of the law enforcement *officers* of the *City* to investigate traffic accidents and to obtain prosecution of those *persons* apparently guilty of violations of this chapter or state *motor vehicle* laws causing or contributing to those accidents. The *owner* or operator of any ambulance must arrange for the Wake County Emergency Communications Center to be notified before leaving to answer a call to the scene of a traffic accident.

Sec. 11-2023. - TRAFFIC REGULATION AND PEDESTRIAN SAFETY.

In the event that it becomes immediately necessary to protect the safety of motorists and pedestrians, the law enforcement *officers* of the *City* *may* direct traffic as required and *may* place temporary *official traffic-control devices* without regard to the other provisions of this chapter. No *person* *may* refuse to comply with a lawful order of a law enforcement *officer* when the order is given under the authority of this section.

Sec. 11-2024. - RESERVED.

Editor's note: Ord. No. 1986-774, §1, adopted April 15, 1986, repealed §11-2024, concerning violation, penalties and summons issuance, as derived from §21-12 of the 1959 Code.

Sec. 11-2025. - CIVIL PENALTIES.

(a) Violations of Articles J and K of 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. Civil penalties *may* be recovered by the *City* in a civil action in the nature of debt or *may* be collected in such other amounts as prescribed herein within the prescribed time *following* the issuance of notice or citation for the violation.

(b) Notice to be affixed.

Whenever a member of the Police Department of the *City* or other *person* charged by ordinance or charter with the enforcement of the provisions of this chapter regulating the *parking* of *vehicles* *shall* find that any of those provisions are being, or have been, violated by the *owner* or operator of any *vehicle*, such *officer* or *person* *shall* notify the *owner* or operator of the *vehicle* of the violation by conspicuously attaching to the *vehicle* a *parking* violation notice or *citation* in such form as the Finance Director *may* direct.

(c) Same; contents.

Such *parking* violation notice or *citation* *shall*, among other things, (i) state upon its face the amount of the penalty for the specific violation if the penalty is paid within twenty-one (21) days from and after the violation; (ii) notify the offender that a failure to pay the penalty within twenty-one (21) days from the violation *shall* subject the offender to an additional late penalty in the amount of twenty dollars (\$20.00); (iii) notify the offender that a failure to pay the penalty within

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the prescribed time *shall* subject the offender to a civil action in the nature of debt for the stated penalty plus an additional penalty in the amount of ninety-five dollars (\$95.00), together with the cost of the action to be taxed by the court; (iv) further provide that the offender *may* answer the *City parking citation* by mailing the citation and the stated penalty to Citation Processing Center, P.O. Box 6649, Rockville, MD 20849-6649, or *may* pay the amount in person at 222 West Hargett Street, Revenue Service Lobby and that upon payment, the case or claim and right of action by the *City* will be deemed compromised and settled; (v) that the penalty must be either paid or the failure to pay must be cleared within twenty-one (21) days of the issuance of the citation. The notice *shall* further state that if the *parking violation citation* is not cleared within twenty-one (21) days, court action by the filing of a civil complaint for collection of the penalty *may* be taken. As used upon the *parking violation citation*, the word "cleared" *shall* mean either (i) payment, (ii) arrangement for payment to be made, or (iii) a prima facie showing that the *parking citation* was received as a result of mistake, inadvertence or excusable neglect.

(d) Settlement of claim.

The supervisor of the violations division is authorized to accept payments in full and final settlement of the claim or claims, right or rights of action which the *City may* have to enforce such penalty by civil action in the nature of debt. Acceptance of a penalty *shall* be deemed a full and final release of any and all claims, or right of action arising out of contended violations.

(e) Penalties.

The *following* penalties *shall* be imposed for violations in those cases in which payment is made within the prescribed forty-eight-hour period:

- (1) *Parking*, stopping or standing in certain places, designated in §11-2171, to-wit:
 - a. Obstructing traffic (11-2171(a)).
 - b. On a *sidewalk* (11-2171(b)(1)).
 - c. Within an *intersection* (11-2171(b)(2)).
 - d. Double stopping, standing or *parking* (11-2171(b)(9)).
 - e. Stopping, standing or *parking* in front of a fire hydrant or within a fire hydrant zone (11-2171(b)(10)).
 - f. Blocking, or *parking* within five (5) feet on either side of, a *private road or driveway* (11-2171(b)(11)).
 - g. Blocking or otherwise obstructing ingress to, egress from, or passage through *City-owned, off-street parking* areas for the general public, as provided in §11-2171(b)(12) (paragraph 2): \$25.00.
- (2) *Parking* in a "No parking zone," as provided in §11-2172: \$25.00.
- (3) *Parking*, standing, or stopping in a "No stopping or standing zone," as provided in §11-2173: \$25.00.
- (4) Unauthorized *parking* in municipal building *parking* areas as provided in §11-2175: \$25.00.

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- (5) Unauthorized truck *parking* as provided in §11-2176: \$25.00.
- (6) Unauthorized *parking* in loading zones as provided in §11-2177: \$25.00.
- (7) *Parking*, standing or stopping in a "Bus Zone" as provided in §11-2178: \$25.00.
- (8) All other *parking*, standing or stopping violations established under Articles J and K of this chapter: \$15.00.

(f) Additional penalties.

- (1) A delinquent penalty of twenty dollars (\$20.00), in addition to the one imposed for payment within forty-eight (48) hours, *shall* apply in those cases in which the penalties prescribed in subsection (e) above have not been paid within thirty (30) days from the date of the violation.
- (2) A penalty of thirty-five dollars (\$35.00), in addition to the one imposed for payment within forty-eight (48) hours and the delinquent penalty, *shall* apply in those cases in which the penalties set forth above in subsection (e) have not been paid within the prescribed period of time, and in which a civil action *shall* have been instituted.

(g) Penalties, to general fund.

All penalties paid to the violations division or as *may* be recovered in a civil action in the nature of debt as herein provided *shall* be paid into the general fund of the *City* at such time and under such regulations as *may* be prescribed by the Finance Director.

(Code 1959 , §21-12.1; Ord. No. 1986-774, §§2, 3, 4-15-86; Ord. No. 1989-456, §1, 11-7-89; Ord. No. 1990-477, §§1, 2, 1-2-90; Ord. No. 1991-873, §1, 11-19-91; Ord. No. 1992-887, §§1—4, 12-3-91; Ord. No. 1994-436A, §1, 6-28-94; Ord. No. 2003-396, §1, 3-4-03; Ord. No. 2004-666A, §§1—8, 6-29-04; Ord. No. 2007-268, §§1—8, 7-24-07, eff. 10-1-07; Ord. No. 2010-724, §1, 4-20-10, eff. 6-1-10)

Sec. 11-2026. - REMOVAL OF A TRAFFIC TICKET.

It *shall* be unlawful to remove a traffic ticket from a *vehicle* or to permit it to be removed, except for the purpose of answering the charge for which it was issued.

Sec. 11-2027. - ALTERATION OF A TRAFFIC TICKET.

It *shall* be unlawful to alter a traffic ticket, and no *person may* have in his possession an unlawfully altered ticket.

Secs. 11-2028 — 11-2029. - RESERVED.

Editor's note: Section 1 of Ord. No. 1984-294, adopted Feb. 21, 1984, repealed §§11-2028 and 11-2029 concerning removal of junked and abandoned *motor vehicles* and removal of impounded *vehicles*. Said §11-2028 derived from Code 1959, §21-13 and Ord. No. 1977-637, adopted Oct. 18, 1977; §11-2029 bore no history note. See Ch. 7 of Part 12 for removal of abandoned *vehicles*.

Secs. 11-2030 — 11-2050. - RESERVED.

ARTICLE C. - OFFICIAL TRAFFIC-CONTROL DEVICES AND SIGNS

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[Secs. 11-2059 — 11-2070. - RESERVED.](#)

Sec. 11-2051. - AUTHORITY OF DIRECTOR OF TRANSPORTATION.

The director of transportation *shall* be responsible for placing and maintaining *official traffic-control* signs, signals and *devices*, as defined in this chapter, pursuant to the direction of the *City Council*.

Sec. 11-2052. - CONFORMANCE TO UNIFORM SIGNS MANUAL.

All traffic-control signs, signals and devices of any kind whatsoever *shall* conform to the specifications approved by *the State* Department of Transportation in the "Manual on Uniform Traffic Control Devices for Street and Highway," latest edition, and all signs and signals required hereunder for a particular purpose *shall* so far as practicable be uniform as to type and location throughout the *City*. All traffic-control devices so erected as hereinbefore set out and in accordance with the provisions of the laws of *the State* and this Code *shall* be deemed to be *official traffic-control devices*.

Sec. 11-2053. - TRAFFIC-CONTROL DEVICES TO BE OBEYED.

Subject to the exemptions granted under §§11-2005 (public employees) and 11-2006 (emergency *vehicles*) of this chapter, the driver of every *vehicle* must obey the instructions of any *official traffic-control device* when placed in accordance with this chapter. Provided, however, a law enforcement *officer may* direct all *vehicles*, including *authorized emergency vehicles*, without regard to such devices when necessary for the public safety or the regulation of traffic, and it *shall* be unlawful for any *person* to disobey a law enforcement *officer* giving such directions.

State law references: As to erection of local traffic-control signs by *cities*, G.S. 136-31; powers of local authorities generally to regulate traffic, G.S. 20-169.

Sec. 11-2054. - TRAFFIC-CONTROL DEVICES TO BE INCLUDED ON TRAFFIC SCHEDULES.

The location of *official traffic-control devices*, and the regulations and restrictions imposed thereby, *shall* be as set out in the *official traffic and parking schedules* adopted and maintained under the provisions of this chapter.

Cross reference: Schedules incorporated by reference, §11-2004

Sec. 11-2055. - UNAUTHORIZED TRAFFIC-CONTROL DEVICES.

It *shall* be unlawful to display any unauthorized traffic-control device which directs or purports to direct vehicular or pedestrian traffic.

Sec. 11-2056. - TAMPERING WITH OFFICIAL TRAFFIC-CONTROL DEVICES.

It *shall* be unlawful to alter, remove, or tamper with an *official traffic-control device*.

Sec. 11-2057. - AVOIDANCE OF OFFICIAL TRAFFIC-CONTROL DEVICES.

It *shall* be unlawful to drive across a *sidewalk* or through the *driveway* of a gasoline filling station or other *property* for the purpose of avoiding an *official traffic-control device*; further, when signs have been erected giving notice thereof, it *shall* be unlawful to drive across private *property* for the exclusive purpose of traveling from one public *street* to a second public *street*.

(Ord. No. 1990-515, §1, 3-20-90)

Sec. 11-2058. - SIGNALS OR FLAGMEN AT CROSSINGS.

At all railroad grade crossings within the *City* where approved automatic electric signals have been installed, the railroad company or companies owning the railroad tracks *shall* at all times maintain said signals in good working order. If the signals are temporarily out-of-order, then the railroad company or companies *shall* within a reasonable time after such malfunction or immediately where notice of said malfunction has been communicated to the railroad companies have said crossing protected by a flagman who will give ample warning to *persons* using the *street* or *highway* of the approach of a train until such time the train has covered the crossing; provided, however, during hours of darkness, a flare *shall* be maintained at the crossing during the entire passage of the train. This practice will continue until the signal system is properly restored to service.

(Code 1959 , §18-1; Ord. No. 1981-788, §1, 11-3-81)

Secs. 11-2059 — 11-2070. - RESERVED.

ARTICLE D. - STOPS REQUIRED

[Sec. 11-2071. - ELECTRONIC TRAFFIC-CONTROL SIGNALS.](#)

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[Secs. 11-2077 — 11-2090. - RESERVED.](#)

Sec. 11-2071. - ELECTRONIC TRAFFIC-CONTROL SIGNALS.

(a) Where traffic is controlled by traffic-control signals installed as provided in this chapter, exhibiting different colored lights successively, the *following* colors, lights and arrows in lights indicate as follows:

(1) Green light.

Vehicular traffic facing the signals *may* proceed straight through, or unless a sign prohibits such turn, *may* turn right or left. Vehicular traffic *shall* yield the right-of-way to other *vehicles*

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and to pedestrians lawfully within the *intersection* at the time such signal is exhibited.

(2) Yellow or amber light, when appearing immediately after, or coincidentally with, a green light.

Such yellow or amber light *shall* serve as a warning that a red light and the applicable stop restrictions *shall* be exhibited immediately *following*.

(3) Red light.

Any *person* operating a *vehicle* facing such light *shall* bring the same to a stop before entering the nearest *crosswalk* or boundary of an *intersection* or at such other point as *may* be indicated by a limit line, and *shall* remain standing until a plain green light or green arrow is shown illuminated alone; provided, however, that a right turn *may* be made after bringing the *vehicle* to a complete stop and after yielding to pedestrians and other *vehicles*, unless otherwise prohibited by this chapter.

(b) The electronic traffic-control signals described in this section *shall* be located, and the regulations provided in this section *shall* be effective, as designated in official *Traffic Schedule* No. 1, "Electronic Traffic Control Signals."

Cross references: Right turns on red light prohibited, §11-2105, *Traffic Schedule* No. 1; pedestrian crossings at signalized *intersections*, §11-2153; schedules incorporated by reference, §11-2004

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

Sec. 11-2072. - STOP INTERSECTIONS.

(a) Except when directed to proceed by a police *officer*, every driver of a *vehicle* approaching a designated stop *intersection* which *shall* be indicated by a stop sign or, in the discretion of the transportation director, a flashing red light, *shall* stop before entering the *crosswalk*, on the near side of the *intersection*, or, in the event there is no *crosswalk*, *shall* stop at a clearly marked *stop line*, or, if none, then at the point nearest the intersecting *roadway* where the driver has a view of approaching traffic on the intersecting *roadway* before entering the *intersection*.

(b) The driver having stopped in obedience to a stop sign or flashing red light at an *intersection shall* proceed cautiously, yielding the right-of-way to all *vehicles* not so obliged to stop which are approaching the *intersection*.

(c) Stop *intersections* and the location of signs or flashing red lights at those *intersections shall* be in accordance with official *Traffic Schedule* No. 2, Stop Intersections.

Cross reference: Schedules incorporated by reference, §11-2004

State law reference: Stop *intersections*, G.S. 20-158(a).

Sec. 11-2073. - YIELD SIGNS.

(a) The driver of a *vehicle* approaching a yield sign erected at designated locations, *shall*, and in obedience to the sign, slow down and yield the right-of-way to any pedestrian crossing the *roadway* on which he is driving and to any *vehicle* in movement on the main traveled or through *highway* or *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* or *highway*.

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(b) The driver of the *vehicle* approaching a yield sign, if required to stop, *shall* stop before entering the *crosswalk* on the near side of the *intersection*; or in the event there is no *crosswalk*, at a clearly marked *stop line*; but if none, then at the point nearest the intersecting *roadway* where the driver has a view of approaching traffic on the intersecting *roadway*.

(c) In accordance with the above, and when signs are erected giving notice thereof, drivers of *vehicles*, when entering designated or main-traveled or through *streets* from intersecting *streets* in the direction or directions shown, *shall* yield the right-of-way to approaching pedestrians or *vehicles*.

(d) Yield signs *shall* be located, and the regulations applicable thereto *shall* be effective, as designated in official *Traffic Schedule* No. 3, Yield Signs.

Cross reference: Schedules incorporated by reference, §11-2004

State law reference: Erection of yield signs, G.S. 20-158.1.

Sec. 11-2074. - THROUGH STREETS.

It *shall* be unlawful for any *person* to fail to stop at a stop sign or yield at a yield sign, as required by Chapters 20-158 and 20-158.1 of the General Statutes and §11-2072 and §11-2073 above, before entering any of the *streets* or parts of *streets* listed in official *Traffic Schedule* No. 4, Through Street; provided, if any such *intersections* are controlled by traffic signals, stop signs, yield signs, or other traffic-control devices as provided for in §11-2071, §11-2072 or §11-2073 of this Code, such controls *shall* take precedence over this section. Traffic stop or yield signs *shall* be erected at all *streets* intersecting the through *streets* designated in official *Traffic Schedule* No. 4 unless otherwise provided for in this chapter.

Cross reference: Schedules incorporated by reference, §11-2004

Sec. 11-2075. - EMERGING FROM ALLEY OR PRIVATE DRIVEWAY.

The driver of a *vehicle* emerging from an alley, *driveway*, or building *shall* stop that *vehicle* immediately prior to driving on to a *sidewalk* or into a *sidewalk* area across any alleyway, and upon entering the *roadway shall* yield the right-of-way to all *vehicles* approaching on the *roadway*.

(Code 1959 , §21-18)

Sec. 11-2076. - STOP WHEN TRAFFIC OBSTRUCTED.

It *shall* be unlawful for a driver to enter any *intersection* or a marked *crosswalk* unless there is sufficient space on the other side of the *intersection* or *crosswalk* to accommodate the *vehicle* he is operating without obstructing the passage of other *vehicles* or pedestrians, notwithstanding any traffic-control signal indication to proceed.

(Code 1959 , §21-43)

Secs. 11-2077 — 11-2090. - RESERVED.

ARTICLE E. - SPEED REGULATIONS ^[35]

⁽³⁵⁾ Cross reference: Speed limit in park, §9-2012

[Sec. 11-2091. - GENERAL.](#)

[Sec. 11-2092. - EXCEPTIONS.](#)

[Sec. 11-2093. - EXCEPTIONS DURING SPECIFIED TIMES.](#)

[Secs. 11-2094 — 11-2100. - RESERVED.](#)

Sec. 11-2091. - GENERAL.

Except as otherwise provided in this article, it *shall* be unlawful to operate a *vehicle* in excess of thirty-five (35) miles per hour inside the corporate limits.

State law reference: Speed limits generally, municipal authority, G.S. 20-141.

Sec. 11-2092. - EXCEPTIONS.

When proper signs have been erected giving notice of speed limits which are other than the generally applicable thirty-five (35) miles per hour limit, it *shall* be unlawful to operate a *vehicle* in excess of such speeds upon the *streets* or portions of *streets* listed in official *Traffic Schedule* No. 5, Speed Limits other than thirty-five (35) miles per hour.

Cross reference: Schedules incorporated by reference, §11-2004; speed limit policy for residential streets, Resolution No. (1990)-633.

Sec. 11-2093. - EXCEPTIONS DURING SPECIFIED TIMES.

When proper signs have been erected giving notice of the appropriate speed regulations, it *shall* be unlawful to operate a *motor vehicle* in excess of the speed limits which are made effective on specified *streets* or portions of *streets* during particular hours of the day or night, as designated in official *Traffic Schedule* No. 5, Speed Limits.

Cross reference: Schedules incorporated by reference, §11-2004

Secs. 11-2094 — 11-2100. - RESERVED.

ARTICLE F. - TURNING MOVEMENTS

[Sec. 11-2101. - TURNING MARKERS.](#)

[Sec. 11-2102. - TURNING AT CHANNELIZED INTERSECTIONS.](#)

[Sec. 11-2103. - U-TURNS PROHIBITED.](#)

[Sec. 11-2104. - TURNING AT OR BETWEEN INTERSECTIONS.](#)

[Sec. 11-2105. - RIGHT TURNS ON RED TRAFFIC CONTROL SIGNAL LIGHTS PROHIBITED.](#)

[Secs. 11-2106 — 11-2110. - RESERVED.](#)

Sec. 11-2101. - TURNING MARKERS.

When authorized signs, markers, buttons, or other indicators are placed within an *intersection* indicating the course to be traveled by *vehicles* turning thereat, no driver of a *vehicle shall* disobey the directions of the indicators.

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

Sec. 11-2102. - TURNING AT CHANNELIZED INTERSECTIONS.

Upon a *street* at any *intersection* where the proper respective *lane* or *lanes* for right or left turns or straight ahead movement have been designated by signs, arrows or markers on, above or beside the *street*, drivers of *vehicles*, in preparation for a right or left turn or straight ahead movement, *shall* with proper regard for the safety of others, move into the proper allocated *lane* at least fifty (50) feet before reaching the *intersection* and *shall* make no turn to either right or left or proceed straight ahead unless within a *lane* in which that turn or straight ahead movement is permitted. *Lane* allocations at *intersections shall* be as designated on official *Traffic Schedule* No. 6, Restricted Turns at Channelized Intersections.

(Code 1959 , §21-28)

Cross reference: Schedules incorporated by reference, §11-2004

Sec. 11-2103. - U-TURNS PROHIBITED.

When signs have been erected giving notice thereof, no driver of a *vehicle shall* make a U-turn at locations where U-turns are prohibited, as specified in official *Traffic Schedule* No. 7, U-Turns Prohibited.

(Code 1959 , §21-15)

Cross reference: Schedules incorporated by reference, §11-2004

Sec. 11-2104. - TURNING AT OR BETWEEN INTERSECTIONS.

After authorized signs have been erected giving notice thereof, it *shall* be unlawful to make a left turn, right turn, or a straight-through movement, respectively, at the locations set out in official *Traffic Schedule* No. 8, Restricted turns at or between *intersections*.

Cross reference: Schedules incorporated by reference, §11-2004

Sec. 11-2105. - RIGHT TURNS ON RED TRAFFIC CONTROL SIGNAL LIGHTS PROHIBITED.

After authorized signs have been erected giving notice thereof, it *shall* be unlawful to proceed to turn right while facing a red traffic light at those locations specified in official *Traffic Schedule* No. 1, Electronic traffic control signals.

Cross reference: Schedules incorporated by reference, §11-2004

Secs. 11-2106 — 11-2110. - RESERVED.

ARTICLE G. - ONE-WAY STREETS

[Sec. 11-2111. - ONE-WAY STREETS.](#)

[Secs. 11-2112 — 11-2120. - RESERVED.](#)

Sec. 11-2111. - ONE-WAY STREETS.

Upon those *streets* designated as one-way *streets*, vehicular traffic *shall* move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every *intersection* where movement in the opposite direction is prohibited. Designated one-way *streets shall* be as specified in official *Traffic Schedule* No. 9, *One-way streets*.

Cross reference: Schedules incorporated by reference, §11-2004

State law reference: One-way traffic, G.S. §20-165.1.

Secs. 11-2112 — 11-2120. - RESERVED.

ARTICLE H. - MISCELLANEOUS DRIVING RULES

[Sec. 11-2121. - DRIVING ON SIDEWALKS.](#)

[Sec. 11-2122. - CLINGING TO MOVING VEHICLES.](#)

[Sec. 11-2123. - USE OF ROADWAY BY NONMOTORIZED OR TOY VEHICLES.](#)

[Sec. 11-2124. - DRIVING ON BARRICADED STREET.](#)

[Sec. 11-2125. - DRIVING UNDER HAZARDOUS CONDITIONS.](#)

[Sec. 11-2126. - MOTOR OR OTHER VEHICLES PROHIBITED FROM DRIVING OVER A MEDIAN STRIP OR FRESHLY PAINTED TRAFFIC DIRECTION SIGNS PAINTED ON THE CITY STREETS.](#)

[Sec. 11-2127. - LIMITATION ON BACKING.](#)

[Sec. 11-2128. - OBSTRUCTION TO DRIVER'S VIEW OR DRIVING MECHANISM.](#)

[Sec. 11-2129. - CROSSING FIRE HOSE.](#)

[Sec. 11-2130. - PROCESSIONS—DRIVING THROUGH.](#)

[Sec. 11-2131. - SAME—DRIVING IN FUNERAL OR OTHER PROCESSIONS.](#)

[Sec. 11-2132. - TRUCK ROUTES.](#)

[Sec. 11-2133. - REGULATION OF VEHICLES AND LOADS.](#)

[Sec. 11-2134. - DEFINITIONS.](#)

[Sec. 11-2135. - GENERAL.](#)

[Sec. 11-2136. - PENALTY AND APPEAL.](#)

[Secs. 11-2137 — 11-2150. - RESERVED.](#)

Sec. 11-2121. - DRIVING ON SIDEWALKS.

The driver of a *motorized vehicle shall* not drive within any *sidewalk* except at a permanent or temporary *driveway*.

(Code 1959 , §21-19; Ord. No. 1988-103, §1, 1-5-88)

Sec. 11-2122. - CLINGING TO MOVING VEHICLES.

(a) It *shall* be unlawful for any *person* riding upon any bicycle, motorcycle, coaster, sled, roller skates or any toy *vehicle* to attach the same or himself to any moving *vehicle* upon any *roadway*.

(b) It *shall* be unlawful for any *person* to ride the running board, fenders or bumpers of any *vehicle* except on slow moving *vehicles* in a parade.

(Code 1959 , §21-20)

Sec. 11-2123. - USE OF ROADWAY BY NONMOTORIZED OR TOY VEHICLES.

It *shall* be unlawful for any *person* to go upon any *roadway* while moving or riding in or by means of roller skates, coaster, sled or any other nonmotorized or toy *vehicle* or other similar device; except, while crossing a *street* at a *crosswalk*, upon *streets* and portions thereof properly designated as play or sledding *streets*, or when such *vehicle* is a bicycle.

(Code 1959 , §21-21)

Cross reference: Sledding *streets* listed, §9-2001

Sec. 11-2124. - DRIVING ON BARRICADED STREET.

It *shall* be unlawful for any *person* to drive along or across any *street* upon or across which any barrier *shall* have been erected.

(Code 1959 , §21-32.1)

Sec. 11-2125. - DRIVING UNDER HAZARDOUS CONDITIONS.

It *shall* be unlawful for any *person* to operate a *motor vehicle* upon public *streets* on which there is an accumulation of ice or snow unless the *vehicle* is equipped adequately to insure the continued, controlled mobility of the *vehicle* under the existing conditions; provided, the failure of an operator to maintain the continued, controlled mobility of his *vehicle* under the above conditions or the abandonment of a *motor vehicle* under §11-2028 under the above conditions, *shall* be deemed to be a failure to properly equip such *vehicle* as required by this section. It *shall* be unlawful to allow or cause a *motor vehicle* to stand or remain standing on the main traveled way of a *street* or *highway* in the *City* in violation of §11-2171 or otherwise.

(Code 1959 , §21-33.1)

Sec. 11-2126. - MOTOR OR OTHER VEHICLES PROHIBITED FROM DRIVING OVER A MEDIAN STRIP OR FRESHLY PAINTED TRAFFIC DIRECTION SIGNS PAINTED ON THE CITY STREETS.

It *shall* be unlawful for any *person* to drive any *motor* or other *vehicles* over a *median* strip or any freshly painted line, arrow, *crosswalk* lines, or other traffic direction sign painted on the *streets* of the *City* when signs, flags, marking cones, or other devices are placed adjacent thereto giving notice of the existence thereof.

(Code 1959 , §21-33.1)

Sec. 11-2127. - LIMITATION ON BACKING.

The driver of a *vehicle* *shall* not back the same into an *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.

(Code 1959 , §21-24)

Sec. 11-2128. - OBSTRUCTION TO DRIVER'S VIEW OR DRIVING MECHANISM.

No *person shall* drive a *vehicle* when it is so loaded, or when there are in the front seat such number of *persons* over three (3), as to obstruct the view of the driver to the front or side of the *vehicle*, or as to interfere with the driver's control over the driving mechanism of the *vehicle*.

(Code 1959 , §21-25)

State law reference: Overloaded or overcrowded *vehicles*, G.S. 20-140.2.

Sec. 11-2129. - CROSSING FIRE HOSE.

No *vehicle shall* be driven over any unprotected hose of a Fire Department when laid down on any *street* or *driveway* to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.

(Code 1959 , §21-26)

Sec. 11-2130. - PROCESSIONS—DRIVING THROUGH.

No driver of a *vehicle shall* drive between the *vehicles* comprising a funeral procession or other authorized procession while they are in motion and when such *vehicles* are conspicuously designated as required in this chapter.

(Code 1959 , §21-26)

Sec. 11-2131. - SAME—DRIVING IN FUNERAL OR OTHER PROCESSIONS.

(a) A funeral composed of a procession of *vehicles shall* be identified by burning lights on the cars in the procession while proceeding to the cemetery.

(b) Each driver in a funeral or other procession *shall* drive as near to the right-hand edge of the *roadway* as practical and follow the *vehicle* ahead as closely as practical and safe.

(Code 1959 , §21-30)

Sec. 11-2132. - TRUCK ROUTES.

(a) Definitions.

The *following* definitions *shall* apply in the interpretation and enforcement of this section:

(1) Trucks.

The word ***truck*** or ***trucks*** *shall* mean any *motor vehicle* used or designed to be *used for* the transportation of cargo or passengers, including but not limited to the *following*: Trucks; intercity buses; truck-drawn trailers when the truck is equipped with dual rear wheels. The *following motor vehicles* are excluded from this meaning: Passenger automobiles; pickup trucks; *vehicles* not having dual rear wheels; motorcycles; motor scooters; school buses; charter buses; and other nonscheduled buses.

(2) Through truck.

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The term ***through truck*** shall mean any truck having three (3) or more axles or any two-axle truck with dual rear wheels towing a trailer which passes through the *City* without stopping for the purpose of either collecting or discharging cargo or for the purpose of either collecting or discharging passengers.

(3) Cargo.

The word ***cargo*** shall mean any *property* transported by truck.

(4) Operator.

The word ***operator*** shall mean the *person* physically operating a truck or a *person* therein and directing its operation.

(5) Intersection of routes.

The term ***intersection of routes*** shall mean the point reached on a *highway* within the *City* at which a direction sign indicates that a turn should be made from one route to another.

(6) Direction sign.

The term ***direction sign*** shall mean the customary *highway* marker designating the *highway* route number or that a certain direction should be followed to reach a given destination.

(7) Local truck.

The term ***local truck*** shall mean any truck having three (3) or more axles or any two-axle truck with dual rear wheels towing a trailer and which enters, leaves or operates within the *City* for the purpose of either collecting or discharging cargo, or for the purpose of either collecting or discharging passengers within the *City*.

(8) Through truck route.

The term ***through truck route*** shall mean those routes or *streets* established in subsection (b) and designated by signs as numbered Interstate, U.S., or N.C. routes and Wade Avenue Extension from I-40 to the Raleigh Beltline (I-440). Provided that all U.S. and N.C. numbered routes inside the Raleigh Beltline (I-440) shall remain "local truck routes." The above provision allows through trucks to use Wade Avenue Extension between I-40 and the Beltline. This expressway type facility is suitable for the through truck network. The provision also provides that through trucks must only use I-440 to pass Raleigh.

(9) Local truck route.

The term ***local truck route*** shall mean those routes or *streets* established in subsection (d) and designated by signs as local truck routes.

(10) Passenger.

The word ***passenger*** shall mean any *person* transported by truck.

(11) Visiting truck.

The term ***visiting truck*** shall mean any truck having three (3) or more axles or any two-axle

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truck with dual rear wheels towing a trailer which passes through the *City* for the purpose of collecting or discharging cargo at a single trip origin or destination.

(b) Through truck routes.

Through truck routes as defined herein are established for the passage of *through trucks* as defined herein, over the *streets* and *highways* within the *City*, according to the map entitled "Official *Traffic Schedule* No. 10, Through Truck Routes."

(c) Through trucks to use through truck routes.

(1) The *operator* of a *through truck* entering the *City* on any through trucking route shall proceed exclusively on a *through truck route* until he leaves the *City*.

(2) The *operator* of a *through truck* entering the *City* by way of a route not a *through truck route* or *local truck route* shall, upon entering the *City*, proceed to the nearest *through truck* or *local truck route*, whichever is nearer. Upon reaching a *local truck route*, the *operator* of a *through truck* shall proceed along such *local truck route* or routes to the nearest *through truck route*. Upon reaching the *through truck route*, the *operator* of a *through truck* shall proceed exclusively upon a *through truck route* until he leaves the *City*.

(d) Local truck routes.

(1) *Local trucks* may travel over any *street* or *highway* within the area bounded by the following streets: Wade Avenue from West Street to Downtown Boulevard; Downtown Boulevard from Wade Avenue to Peace Street; Peace Street from Downtown Boulevard to Person Street; Person Street from Peace Street to Edenton Street; Edenton Street from Person Street to East Street; East Street from Edenton Street to South Street; South Street from East Street to Boylan Avenue; Boylan Avenue from South Street to Peace Street; Peace Street from Boylan Avenue to West Street; West Street from Peace Street to Wade Avenue.

(2) Designated *streets* are hereby established as *local truck routes* for the passage of local trucks over the *streets* and *highways* within the *City*, according to official *Traffic Schedule* No. 11, "Local Truck Routes."

(e) Local trucks to use special truck routes.

(1) The *operator* of a *local truck* shall, upon leaving the origin of his trip, proceed by the shortest route to the nearest *through truck route* or *local truck route*.

(2) The *operator* of a *local truck* proceeding on a *local truck route* or a *through route* shall proceed exclusively on such truck route or routes until he reaches a point on that route which allows him to proceed by the shortest route to his destination.

(3) The *operator* of a *local truck* entering the *City* on a route other than a *through truck route* or *local truck route* shall, upon entering the *City*, proceed by the shortest route to the nearest *local truck route* or *through truck route* and shall proceed on such route until the point on such route nearest his destination is reached.

(4) When the shortest route between the origin and the destination of a *local truck* is less than the distance between the origin and the nearest truck route, the *operator* of such *local truck* shall not be required to proceed to a *through truck route* or a *local truck route* before proceeding to his

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destination.

(5) When the shortest route between the origin and destination of a *local truck* is less than the shortest route between the destination and the nearest *local truck route* or *through truck route*, the operator of a *local truck* shall not be required to proceed to the nearest *local truck route* or *through truck route* before proceeding to his destination.

(6) When the shortest route between the point of entry into the *City* and the destination of a *local truck* is less than the shortest route from the point of entry into the *City* to the nearest *through truck route*, or *local truck route*, the operator of a *local truck*, upon entering the *City*, shall not be required to proceed to the nearest *through truck route* or *local truck route* before proceeding to his destination.

(f) Visiting trucks to use through truck routes:

(1) The operator of a *visiting truck* entering and passing through the *City* shall proceed exclusively on a *through truck route* or routes until he reaches a point on such route which allows him to proceed by the shortest route to his destination.

(2) The operator of a *visiting truck* leaving the *City* shall proceed by the shortest route to a *through truck route* and shall proceed exclusively on such *through truck route* or routes until he leaves the *City*.

(g) Provisions mandatory; noncompliance declared unlawful.

The provisions of this section and every subsection hereof are mandatory and not merely directory, and failure to comply with the provisions of this section or any subsection hereof is hereby declared to be unlawful and punishable as provided by law.

(Code 1959 , §21-22; Ord. No. 1980-526, §1, 11-18-80; Ord. No. 1981-717, §1, 8-4-81; Ord. No. 1984-261, §1, 1-3-84; Ord. No. 1986-734, §§1—3, 2-18-86; Ord. No. 1988-182, §§1, 2, 6-7-88; Ord. No. 1991-825, §1, 7-16-91)

Cross reference: Schedules incorporated by reference, §11-2004

Sec. 11-2133. - REGULATION OF VEHICLES AND LOADS.

(a) It shall be unlawful for any *person* to drive or move or for the *owner* to cause or knowingly permit to be moved or driven on any *street* within the corporate limits any *vehicle* or *vehicles* of a size exceeding the limitations stated in this section, provided that the prohibition and limitations of this section shall only apply on the days of the week of Monday through Friday inclusive and shall only apply during the periods between 7:30 a.m. and 8:30 a.m. and between 4:30 p.m. and 6:00 p.m.

(b) The total outside width of any *vehicle* or the load thereon shall not exceed ten and one-half (10½) feet.

(c) No *vehicle*, unladen or with load, shall exceed a height of thirteen (13) feet, six (6) inches.

(d) A *vehicle* having two (2) axles shall not exceed thirty-five (35) feet in length of extreme overall dimensions inclusive of front and rear bumpers. A *vehicle* having three (3) axles shall not exceed forty (40) feet in length of overall dimensions inclusive of front and rear bumpers. A truck-tractor and semitrailer shall be regarded as two (2) *vehicles* for the purpose of determining lawful length.

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(e) No combination of *vehicles* coupled together *shall* exceed a total length of fifty-five (55) feet inclusive of front and rear bumpers.

(Code 1959 , §21-53)

Sec. 11-2134. - DEFINITIONS.

(a) Traffic-control photographic system.

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

(b) In operation.

In good working order.

(c) System location.

The approach to an intersection toward which a traffic control photographic system is directed and in operation.

(d) Vehicle owner.

The *person* identified by the N.C. Department of Motor Vehicles as the registered *owner* of a motor vehicle.

(Ord. No. 2001-108, §1, 11-7-01)

Sec. 11-2135. - GENERAL.

(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, or for a vehicle to violate any other traffic regulations specified in G.S. 20-158.

(b) The *owner shall* be responsible for a violation under this section, except when the *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 (c).

(c) Notwithstanding (b) above, the *owner* of the vehicle *shall* not be responsible for the violation if no more than thirty (30) days after notification of the violation he furnishes any of the *following* to the City:

(1) An affidavit stating the name and address of the *person* or entity who had the care, custody or control of the vehicle at the time of the violation.

(2) An affidavit by the *owner* stating that at the time of the violation the vehicle involved was stolen. The affidavit must include supporting evidence, such as insurance or police report information.

(3) An affidavit that the *person* who received the citation is not the *owner* of the vehicle and was not the driver of it, or a notarized statement that the *person* who received the citation was not driving any vehicle at the time and place designated in the citation.

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(d) The Raleigh Transportation Department *shall* administer the traffic-control photographic system and program and *shall* maintain a list of system locations and *shall* see that all locations are marked as required by c.286, s.l.2001.

(Ord. No. 2001-108, §2, 11-7-01; ; Ord. No. 2003-434, §1, 5-6-03; Ord. No. 2003-497, §1, 9-2-03)

Sec. 11-2136. - PENALTY AND APPEAL.

(a) Any violation of this section *shall* be deemed a non-criminal violation for which a civil penalty of fifty dollars (\$50.00) *shall* be assessed. The violation *shall* not be assessed any points pursuant to G.S. 20-16(c) or G.S. 58-36-65. Notice of the violation *shall* be forwarded to the *owner* by personal service or first class mail to the address given on the motor vehicle registration. The *owner shall* have thirty (30) days to respond to the notice of violation. If the *owner* fails to pay the civil penalty or to respond to the notice of violation within the time period specified on the citation, the *owner shall* have waived the right to contest responsibility for the violation and *shall* be subject to an additional penalty of fifty dollars (\$50.00). The *City may* establish procedures for the collection of these penalties and *may* enforce the penalties by civil action in the nature of debt.

(b) A notice of appeal *shall* be filed within thirty (30) days after receiving notification of the violation. Failure to give notice of appeal within this time period *shall* constitute a waiver of the right to contest the citation. Appeals *shall* be heard by an administrative process established by the *City* and set out on each citation. Anyone desiring an appeal must post a bond equal in amount to the civil penalty for the violation before an appeal hearing will be scheduled. A member of the appeals panel may waive or reduce the bond upon receipt of sworn evidence that the appealing party is unable to pay the full amount of the bond. Sworn evidence must be submitted within seven (7) calendar days after a notice of appeal has been filed. Appeals from a decision of the appeals panel *shall* be by certiorari to the Superior Court of Wake County.

(Ord. No. 2001-108, §3, 11-7-01; Ord. No. 2003-434, §§2, 3, 5-6-03; Ord. No. 2003-497, §§2, 3, 9-2-03)

Secs. 11-2137 — 11-2150. - RESERVED.

ARTICLE I. - PEDESTRIANS' RIGHTS AND DUTIES

[Sec. 11-2151. - PEDESTRIAN STREETS.](#)

[Sec. 11-2152. - PEDESTRIAN CROSSING PROHIBITED.](#)

[Sec. 11-2153. - ELECTRONIC TRAFFIC AND PEDESTRIAN CONTROL SIGNALS.](#)

[Secs. 11-2154 — 11-2169. - RESERVED.](#)

Sec. 11-2151. - PEDESTRIAN STREETS.

The *following* streets *shall* be used for pedestrian traffic only, and it *shall* be unlawful to operate any *vehicle* over or along such *streets* except ambulance, rescue squad, Police or Fire Department *vehicles* being operated on an emergency mission, or other *vehicles* pursuant to a permit issued under Part 9, Chapter 7 of the Code.

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- (a) Exchange Street from Fayetteville Street to South Wilmington Street.
- (b) Fayetteville Street, from its *intersection* with the southern boundary of Morgan Street to its *intersection* with the northern boundary of Davie Street, but excluding the *intersections* of Martin Street and Hargett Street.

Cross reference: Pedestrian malls generally, Part 9, Chapter 7.

Sec. 11-2152. - PEDESTRIAN CROSSING PROHIBITED.

It *shall* be unlawful for any *person* to cross a *street*, on foot or by any other means, at a point and in a manner prohibited by this section and where a sign, barricade or other notice indicates that such crossing is prohibited. Locations where pedestrian crossing is so prohibited *shall* be as designated in *Traffic Schedule* No. 12, "Pedestrian Crossing Prohibited."

(Code 1959 , §21-17.2)

Cross reference: Schedules incorporated by reference, §11-2004

Sec. 11-2153. - ELECTRONIC TRAFFIC AND PEDESTRIAN CONTROL SIGNALS.

- (a) Pedestrians crossing *roadways* at *intersections* where electronic traffic-control signals are located which are regulated by separate electronic pedestrian signals must obey the instructions of the pedestrian signals.
- (b) Pedestrians who are lawfully in a *roadway* when the pedestrian signal changes should proceed across the *roadway*.
- (c) Pedestrians crossing *roadways* at signalized *intersections* which are not regulated by separate electronic pedestrian signals must obey the instructions of the traffic-control signal facing vehicular traffic moving in the same direction as such pedestrians.
- (d) Pedestrians crossing *roadways* at signalized *intersections* which are not regulated by separate pedestrian signals must not start to cross when a yellow light is exhibited to *vehicles*.
- (e) The electronic traffic and pedestrian control signals described in this section *shall* be located, and the regulations provided in this section *shall* be effective, as designed in official *Traffic Schedule* No. 1, "Electronic Traffic Control Signals."

Cross reference: Electronic traffic-control signals, §11-2071

Secs. 11-2154 — 11-2169. - RESERVED.

ARTICLE J. - PARKING AND STANDING

[Sec. 11-2170. - PENALTIES.](#)

[Sec. 11-2171. - PARKING PROHIBITED IN CERTAIN PLACES.](#)

[Sec. 11-2172. - NO PARKING ZONES.](#)

[Sec. 11-2173. - NO STOPPING OR STANDING ZONES.](#)

[Sec. 11-2174. - PARKING TIME LIMITED IN DESIGNATED PLACES.](#)

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[Sec. 11-2175. - PARKING LIMITATIONS ON CITY-OWNED FACILITIES.](#)
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[Sec. 11-2177. - STANDING FOR LOADING ONLY.](#)
[Sec. 11-2178. - BUS STOPS.](#)
[Sec. 11-2179. - STOPPING, STANDING OR PARKING CLOSE TO CURB.](#)
[Sec. 11-2180. - UNLAWFUL PURPOSES FOR PARKING.](#)
[Sec. 11-2181. - TEMPORARY PARKING RESTRICTIONS BY CHIEF OF POLICE.](#)
[Sec. 11-2182. - CONTROLLED PARKING RESIDENTIAL AREA.](#)
[Sec. 11-2183. - PARKING, OBSTRUCTIONS PROHIBITED AT MOORE SQUARE TRANSIT TRANSFER FACILITY.](#)
[Sec. 11-2184. - TAXI ZONES.](#)
[Sec. 11-2185. - POLICE VEHICLE PARKING ZONE.](#)
[Sec. 11-2186. - VALET PARKING.](#)
[Sec. 11-2187. - NO PARKING TOW AWAY ZONE.](#)
[Sec. 11-2188. - EXTRAORDINARNEY IMPACT EVENTS.](#)
[Secs. 11-2189—11-2199. - RESERVED.](#)

Sec. 11-2170. - PENALTIES.

All offenses set out in Article J of this chapter *shall* be punished as civil offenses pursuant to G.S. 160A-175. Violations *shall* not be misdemeanors or infractions pursuant to G.S. 14-4.

(Ord. No. 1986-774, §4, 4-15-86)

Sec. 11-2171. - PARKING PROHIBITED IN CERTAIN PLACES.

(a) Obstructing traffic.

It *shall* be unlawful for any *person* to stop, stand or *park* any *vehicle* upon a *street*, or alley, in such manner or under such conditions as to obstruct the free movement of vehicular traffic, except that a driver *may* stop temporarily during the actual unloading of passengers or when necessary to obey traffic regulations or signs or signals, or signals of a police *officer*.

(b) Designated 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 a *sidewalk*, in the area between the *roadway* and the *sidewalk*, in the area between the right-of-way line and the *roadway* or in the *median* area of a divided *roadway*.
- (2) On or within twelve (12) feet of a *crosswalk*.
- (3) Within an *intersection*.
- (4) Within twenty-five (25) feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a *street* or *roadway*.
- (5) Underpass approaches. No *vehicle shall park* on either side of any *street* approaching a railroad underpass or overhead bridge within fifty (50) feet in any direction of the outer edge of such underpass or overhead bridge.

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(6) Grade crossing approaches. No *vehicle shall park* on either side of any *street* approaching a grade crossing within fifty (50) feet of the closest rail; provided, that where existing permanent structures are located along the *street* and closer than fifty (50) feet, *parking may* be permitted in front of such structures, unless otherwise prohibited, if the *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 or within any underpass structure.

(9) On the *roadway* side of any *vehicle* stopped, standing or *parked* at the edge or curb of a *street*.

(10) Within fifteen (15) feet in either direction of a fire hydrant, unless a greater or lesser distance is designated by action of the *Council* and appropriate signs or markings are displayed.

(11) Within five (5) feet on either side from a *private road or driveway*, or in such a manner to block the passage of *vehicles* to or from such road or *driveway*.

(12) *City-owned parking areas*. It *shall* be unlawful in any off-street lot or area owned by the *City* and provided for general public *parking* to *park a motor vehicle*, or for the registered *owner* of a *motor vehicle* to allow such *vehicle* to be *parked*, in any manner other than within properly designated *parking spaces*.

Further, in any such off-street *parking* lot or area owned by the *City* and provided for general public *parking*, it *shall* be unlawful to *park a motor vehicle* or for the registered *owner* of a *motor vehicle* to allow such *vehicle* to be *parked*, in such a manner as would block or otherwise obstruct the reasonable ingress to or egress from such *parking* area or lot by other *motor vehicles*, or as would block or obstruct the passage of emergency *vehicles* through such *parking* area or lot.

(Code 1959 , §21-34(a); Ord. No. 1982-821, §1, 1-5-82; Ord. No. 1982-933, §1, 6-29-82; Ord. No. 1990-591, §1, 6-5-90)

Cross reference: *Parking* restrictions in *City-owned parks*, Part 9, Ch. 2, Art. B.

State law reference: Stopping on *highway* prohibited, G.S. 20-161.

Sec. 11-2172. - NO PARKING ZONES.

When signs are erected or painted on the *street* giving notice thereof, no *person shall* at any time, except during church services on Sundays, or other times designated in official *Traffic Schedule* No. 13, *park any vehicle* within the areas designated as "no parking" zones; provided, use of such areas for church services on Sunday *shall* not be construed to permit *parking* where *parking* is otherwise prohibited by this article. The Transportation Department *shall* erect or paint signs at locations designated as "no parking" zones. Locations designated as "no parking" zones *shall* be as set out in official *Traffic Schedule* No. 13, "No Parking Zones."

(Code 1959 , §21-34(e))

Cross reference: Schedules incorporated by reference, §11-2004

Sec. 11-2173. - NO STOPPING OR STANDING ZONES.

When signs are erected giving notice thereof, no *person shall* at any time stop, stand, or *park a motor vehicle* with the areas designated as "no stopping or standing" zones. Stopping or standing *shall* be unlawful in such zones, as designated in official *Traffic Schedule* No. 14, "No Stopping or Standing Zones."

(Code 1959 , §21-34(g))

Cross reference: Schedules incorporated by reference, §11-2004

Sec. 11-2174. - PARKING TIME LIMITED IN DESIGNATED PLACES.

(a) When signs are erected adjacent to *parking* spaces in each *block* giving notice thereof, no *person shall park a vehicle* for longer than the limits stated in the signs, as the same are set out in official *Traffic Schedule* No. 15, "Parking Time Limits." In the Downtown Area as defined in §10-2081(c)(3) herein, the *vehicle may park* in a timed zone more than once during a day, provided the *vehicle* is moved prior to the expiration of the time which is legally allowed, and provided that the *vehicle* does not return to the same numbered zone for a minimum of thirty (30) minutes. "Parking Time Limited" zones are to be enforced from 8:00 a.m. until 5:00 p.m., Monday through Friday. These *parking* time limits *shall* not be applicable in the *following* cases:

- (1) On Saturdays, Sundays, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
- (2) At the main post office, where *parking* is restricted in accordance with other provisions of this chapter.
- (3) At locations specified in §11-2172, §11-2178, §11-2179, or Article K of this chapter.

(b) Each interval of time, equal to the legally allowable *parking* time in any particular zone, by which a *vehicle* remains beyond the legal time, *shall* be a separate violation. For example, each hour or part thereof a *vehicle* remains past the first hour in a one-hour *parking* zone *shall* constitute a separate violation.

(Code 1959 , §21-37; Ord. No. 1981-691, §2, 6-16-81; Ord. No. 1997-76, §1, 3-4-97; Ord. No. 2006-998, §1, 4-18-06)

Cross reference: Schedules incorporated by reference, §11-2004

Sec. 11-2175. - PARKING LIMITATIONS ON CITY-OWNED FACILITIES.

(a) *Parking* of *vehicles* on the lot owned by the *City* and located along the west side of McDowell Street and along the north side of Hargett Street *shall* be limited to *vehicles* owned by the *City*, *vehicles* operated by members of the *City Council*, and *vehicles* operated by *City* employees and used by them officially and regularly in connection with the performance of their duties in their employment by the *City*.

(b) Except as expressly provided and permitted by this paragraph, in order to make available adequate *parking* facilities for the *vehicles* being used by *City* employees and officials in the prosecution of the *City's* business, it *shall* be unlawful for any *person* to stop, stand or *park* any *vehicle* on such lot and it *shall* be unlawful for the *owner* of any *vehicle* to suffer or permit any *vehicle* owned by

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him to be *parked* on such lot. The City Manager is authorized and directed to cause the *parking* spaces within such lot to be appropriately designated and to assign specific spaces for the exclusive use of specific officials or employees or of specific department or divisions, and not more than eight (8) spaces for the use of members of the *City Council*; and when so designated and properly marked by appropriate signs, it *shall* be unlawful for any *person* to *park* within any space not designated and authorized for his use in accordance with this paragraph.

(c) If at any time the City Manager shall determine that the *parking* space is not needed for the *parking* of *City vehicles* and *vehicles* being used on official *City* business the City Manager is authorized to properly designate and make the *parking* space available for general public use or for reserved public *parking*. Such spaces may be designated by *parking* meters, signs, striping or any other method selected by the City Manager. Any *vehicle* parked in violation of the rules establishing such public or reserved spaces shall be an offense and the violation may be enforced by any lawful method, including towing, by which any other violation of *City parking* regulations may be enforced.

(d) The City Manager is authorized and directed to cause *driveways* to be designated and marked on the lot for the purpose of ingress and egress to and from the *parking* spaces, and when so designated, it *shall* be unlawful for any *person* to *park* any *vehicle* within any *driveway* or to permit, or to allow any *vehicle* owned by him to be *parked* therein. It *shall* be unlawful for any *person* to *park* at any time or at any place within the lot so as to block the passage to or from any *parking* space or to prevent the use of any *parking* spaces by the *person* for whom the *parking* space has been designated in accordance with the provisions of this paragraph.

(e) The City Manager is authorized and directed, in his discretion, to cause *parking* spaces, traffic *lanes*, including one-way *lanes*, and loading zones, to be designated and marked on the municipal auditorium *parking* lot and on the service drive adjacent to the Sheraton Capital Center Hotel and connecting Cabarrus Street with Salisbury Street.

(f) The City Manager is authorized and directed in his discretion, to cause parking spaces, time limit parking spaces, metered parking spaces, loading zones, no parking zones, handicap spaces and traffic lanes, including one-way lanes to be designated and marked on all *City* properties.

Such spaces *shall* be subject to the same enforcement provisions and practices afforded such spaces on public *streets*. The City Manager *shall* have authority to establish time limits and *parking* meter rates identified in §§11-2174, 11-2205 and 11-2206. In addition, he *shall* be authorized to increase rates and vary time limits as he deems appropriate for such spaces.

(Code 1959 , §21-34(b)—(d); Ord. No. 1982-876, §1, 3-23-82; Ord. No. 1993-151, §1, 4-6-93; Ord. No. 1998-454, §17, 11-4-98; Ord. No. 2008-434, §§1, 2, 8-5-08)

Cross reference: *Parking* areas in parks, §§9-2013, 9-2014

Sec. 11-2176. - TRUCK PARKING.

All motor truck carriers operating as either common or contract carriers over regular or irregular routes, all passenger bus carriers, and all other *owners* of motor trucks or trailers of any kind, including house trailers, whose trucks, truck-trailers, trailers, semi-trailers, house trailers or buses at any time are operated into, out of, through, or within the corporate limits of the *City* and the drivers and operators of any such *vehicles shall* use private *property* for *parking* and storing those *vehicles* within the corporate limits, and they are hereby prohibited from using the public *streets* of the *City* except for the purposes of travel and transporting, loading and unloading passengers and except for temporary *parking* in cases of

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emergency involving a mechanical breakdown necessitating repairs to any such *vehicle*. Provided that the provisions of this section *shall* not apply to mass transit buses owned by the *City*, trucks of three-fourths-ton capacity or less, nor *shall* it apply to school buses *parked* in conformity with permits issued by the Police Department.

(Code 1959 , §21-36; Ord. No. 1977-420, §1, 1-4-77)

Sec. 11-2177. - STANDING FOR LOADING ONLY.

(a) Passenger loading and unloading.

No *person shall stop, stand or park a vehicle* for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger loading and unloading zone during the hours when the regulations applicable to such zones or stops are effective, and then for a period not to exceed ten (10) minutes. Passenger loading and unloading zones and the regulations applicable thereto, *shall* be as designated in official *Traffic Schedule* No. 16, "Passenger Loading and Unloading Zones."

(b) Materials loading and unloading.

No *person shall stop, stand or park a vehicle* for any purpose or length of time other than for the expeditious unloading and delivery, or pickup and loading of materials in any place marked as a loading and unloading zone during hours when the provisions applicable to loading zones are in effect. In no case *shall* the stop for loading or unloading of materials exceed sixty (60) minutes. Unless otherwise stated these loading zones *shall* be in effect from 9:00 a.m. to 5:00 p.m., Monday through Saturday. Materials loading and unloading zones and the regulations applicable thereto *shall* be as designated in official *Traffic Schedule* No. 17, "Materials Loading and Unloading Zones."

(c) Exemption for television transmission.

Notwithstanding provisions of this section to the contrary, and for the sole purpose of television signal transmission, it *shall* be lawful for a *vehicle* containing mobile television transmission equipment to *park* in a space designated as a passenger loading zone or a loading zone. Provided, however, that such *vehicle shall* only remain in the space for the minimum period of time required to prepare for the transmission of live television signals, and in no event for longer than one (1) hour.

(d) Truck loading zones.

Truck loading zones *shall* be established as provided in this subsection. "Truck loading" *shall* mean the stopping or standing of any type of truck for the exclusive purpose of loading or unloading merchandise. For the purpose of definition in this section, a truck *shall* be classified as a *vehicle* designed to be *used* for the transportation of cargo including tractor trailer units, single-unit trucks, vans displaying a North Carolina commercial license plate (two (2) alphabetical characters followed by four (4) numeric characters), and pickup trucks; but excluding *vehicles* not principally designed for the transportation or cargo, such as motorcycles, passenger cars with or without trailers, station wagons or other noncargo *vehicles*. It *shall* be unlawful for trucks to *park* in official truck loading zones except for the exclusive purpose of loading or unloading merchandise. Truck loading zones and the regulations applicable thereto, *shall* be as designated in official *Traffic Schedule* No. 18, "Truck Loading Zones."

(e) Commercial vehicle only loading zone.

(i) *Definition.* For purposes of this section, "commercial *vehicle*" shall mean a truck or other *vehicle* upon which the name, logo, or other designation of the person owning or operating the *vehicle* is painted or otherwise permanently affixed to the *vehicle* in letters or markings at least two inches in height, or which displays a valid North Carolina commercial license plate.

(ii) *Use, generally.* It shall be unlawful for any person to either (1) park any *vehicle*, other than a commercial *vehicle*, in any commercial loading zone as designated by the City in official *Traffic Schedule* No. 24, or (2) during the enforcement hours described in *Traffic Schedule* No. 24, "Commercial Loading Zones," to utilize a commercial loading zone for any purpose other than expeditiously loading or unloading property, goods or merchandise from a commercial vehicle. In addition to any applicable fine or penalty, any vehicle parked in violation of this section shall be subject to being ticketed or cited at the discretion of any law enforcement officer or parking enforcement officer.

(iii) *Area affected.* This section shall apply only within the downtown business district bounded by East Street on the East, West Street and Glenwood Avenue on the West, Peace Street on the North and South Street to the South. Commercial loading zones and the regulations applicable thereto, shall be designated in official *Traffic Schedule* No. 24, "Commercial Loading Zones."

(Code 1959 , §21-28; Ord. No. 2006-990, §§1, 2, 3-21-06; Ord. No. 2006-67, §§1, 2, 8-8-06)

Cross reference: Schedules incorporated by reference, §11-2004

Sec. 11-2178. - BUS STOPS.

No *person* shall stop, stand or *park* a *vehicle* other than a bus in a bus zone. Bus zones shall be used for the exclusive purpose of loading and unloading passengers to and from the bus. The driver of a bus shall not *park* a bus or permit a bus to stand in the *City* at any place other than at a bus zone or bus stop except that the provision shall not prevent the driver of any such *vehicle* from temporarily stopping in accordance with other stopping or *parking* regulations at any place for the purpose of, and while actually engaged in, loading or unloading passengers, provided it shall not be unlawful for any *vehicle* to *park* within areas marked as bus zones or bus stops between the hours of 12:00 midnight and 5:30 a.m. Bus zones shall be located as provided in official *Traffic Schedule* No. 19, "Bus Zones."

(Code 1959 , §21-39)

Cross references: Public transit services generally, Part 9, Chapter 4; schedules incorporated by reference, §11-2004

Sec. 11-2179. - STOPPING, STANDING OR PARKING CLOSE TO CURB.

(a) No *person* shall stop, stand or *park* in a *roadway* upon which the boundaries of individual parking spaces are marked on the pavement other than parallel with the front of the curb or edge of the *roadway* , headed in the direction of traffic and completely within the boundaries of the delineated parking space. When no parking space boundaries are marked on the *roadway* the vehicle shall be parked as above except that it may not be farther than twelve (12) inches from the curb or edge of the *roadway* if there is no curb. On streets which have been marked or signed for angle *parking vehicles* shall be *parked* at the angle to the curb indicated by such marks or signs. The requirement that the vehicle be headed in the direction of traffic is not applicable if the *parking* space in question is on a *street* of two (2) lanes or less, without a marked center line, and located in a *residentially zoned* area.

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(b) For the purposes of this section "front of the curb" *shall* mean the roadside of the curb that is raised above and perpendicular to the gutter.

(c) For the purposes of this section "edge of the roadway" *shall* mean the portion of the right-of-way where the improved area designed and ordinarily *used for* vehicular traffic meets the unimproved area not designed or ordinarily *used for* vehicular traffic.

(Ord. No. 1995-607, §1, 4-18-95; Ord. No. 2010-705, §1, 2-16-10)

Sec. 11-2180. - UNLAWFUL PURPOSES FOR PARKING.

No *person shall* stand or *park a vehicle* upon any *roadway* for the principal purpose of:

- (1) Displaying it for sale.
- (2) Washing, greasing, or repairing such *vehicle*, except repairs necessitated by emergency.

(Code 1959 , §21-41)

Sec. 11-2181. - TEMPORARY PARKING RESTRICTIONS BY CHIEF OF POLICE.

(a) The Chief of the Police Department, or his duly appointed representative, is authorized to prohibit on a temporary basis the *parking of vehicles* under the *following* circumstances; provided, however, that this authorization *shall* apply only to areas not having *parking* meters except as set out below:

- (1) Along parade routes permitted by the Police Department of the *City* for a period of two (2) hours before a parade begins until one (1) hour after the end thereof along *streets* having *parking* meters or any other *streets* within the *City*.
- (2) Adjacent to curbs where *street* or public utility repairs are being made or are to be made if the *parking* at those curbs would interfere with the repair work.
- (3), (4) Reserved.
- (5) Adjacent to the curb where *parking* would interfere with special events which *may* be lawfully conducted on the *streets* or *sidewalks* of the *City*.

(b) It *shall* be unlawful to *park a motor vehicle* in the prohibited areas after signs, traffic cones, or other devices have been conspicuously placed to give notice that *parking* is prohibited.

(Ord. No. 1984-452, §4, 12-4-84)

Cross references: Parade regulations generally, §12-1051 *et seq.*; *parking* meter zones and restrictions applicable thereto, §11-2200 *et seq.*; reservation or encumbrance of *parking* spaces, §11-2207

Annotation: Traffic schedules for residential parking access are found in *Traffic Schedule 21*.

Sec. 11-2182. - CONTROLLED PARKING RESIDENTIAL AREA.

(a) Designation of areas.

The *City Council may* designate controlled *parking* residential areas based on the *following* minimum criteria as determined in a study by the *City* Department of Transportation.

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(1) The area either contains at least eight (8) contiguous *block* faces abutted by *property* primarily in residential zoning districts or is a contiguous expansion of an existing controlled *parking* residential area and the area is abutted by *property* primarily in residential zoning districts. A *block* face as used herein *shall* mean one side of a *street* between two (2) intersecting *streets*;

(2) A petition identifying the boundaries of and *streets* within the proposed controlled *parking* residential area has been presented to the Department of Transportation requesting such designation and signed by adult residents from at least seventy (70) per cent of the living units contained in each *block* of the proposed controlled *parking* residential area;

(3) A *parking* study, of one (1) observation each two (2) hours, and conducted between the hours of 8:00 a.m. and 4:00 p.m. on a week day reveals that at least an average of seventy (70) per cent of the *parking* capacity of the proposed controlled *parking* residential area is occupied; and,

(4) A minimum of thirty-three (33) per cent of the *parked vehicles* are registered to addresses outside the proposed controlled *parking* residential area.

(b) Definitions:

(1) Controlled parking residential area *shall* mean an area designated herein for restricted residential *parking* pursuant to criteria established in subsection (a) hereof.

(2) Residential parking permit decal *shall* mean a special permit issued hereunder by the Revenue Collector and authorizing the *vehicle* bearing such permit to be *parked* for a period in excess of two (2) hours in a controlled *parking* residential area.

(c) Permit decal display.

The *residential parking permit decal* *shall* be attached to the left rear bumper of the *vehicle* for which issued and *shall* contain the *vehicle* license number, *year* of issue, and the identification number of the *controlled parking residential area* for which issued.

(d) Eligibility for permit decal.

A resident of a *controlled parking residential area* is eligible to receive one (1) *residential parking permit decal* for each *vehicle* which is principally operated by the resident. The Revenue Collector *shall* verify the *residence* address of *persons* obtaining such decals and *shall* record on the face of the decal the license number of the *vehicle* and the letter designation of the *controlled parking residential area* for which issued. As proof of residency, the Revenue Collector *may* require utility bills, notarized affidavits of the landlord, auto registration cards and other documentation deemed necessary naming the permittee and showing an address within the controlled *parking* area. *Residential parking permit decals* issued for *vehicles* used by nonresidents of the *controlled parking residential area* or used for purposes of daily commuting to the area or for purposes of storage of nonresidential *vehicles* are void.

Any health care provider who provides regular medical or health services for more than two (2) continuous hours to *persons* residing in a *controlled parking residential area* *may* also apply to the Revenue Collector. Such *persons* *may* receive a *residential parking permit decal* or a removable windshield placard. When the permit or placard is properly displayed, all parking rights and privileges pursuant to subsection (g) extended to *vehicles* displaying a *residential parking permit*

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decal shall apply. The Revenue Collector shall verify the delivery of medical and health services of persons requesting a decal or placard. As proof, the Revenue Collector may require a medical doctor's certification that regular care is needed for persons residing in a controlled parking residential area.

(e) Permit issuance fee.

The Revenue Collector *shall issue residential parking permit decals* for an administrative charge of ten dollars (\$10.00) per decal per year. The charge *shall not be prorated for partial years. No residential parking permit decal shall be transferred to another vehicle. The charge for duplicate permit decals shall be ten dollars (\$10.00) except that a replacement decal shall be issued without cost if an individual returns a current used decal and shows proof of purchase to the Revenue Collector or if an individual shows proof to the Revenue Collector of change in registration number for the vehicle. Residential parking permit decals shall be issued on a calendar year basis, and shall expire at midnight on December 31 of each year. Provided it shall not be unlawful to continue to park an authorized vehicle in a controlled parking residential area during the period between December 31 and February 14 inclusive, if a residential parking permit decal for the vehicle was issued for the previous immediate calendar year.*

(f) Restrictions.

(1) *No person shall display a residential parking permit decal on a vehicle unless such vehicle displays the same vehicle license number as shown on the residential parking permit decal; and any such use or display except as authorized herein shall constitute a violation of this Code by the permittee and by the person who so used or displayed the residential parking permit decal.*

(2) *It shall constitute a violation of this Code for any person to falsely represent himself as eligible for a residential parking permit decal or to furnish any false information in an application to the Revenue Collector in order to obtain a residential parking permit decal.*

(3) *The Revenue Collector is authorized to revoke the residential parking permit of any permittee found to be in violation of this section, and, upon written notification thereof, the permittee shall surrender such permit to the Revenue Collector. Failure, when so requested, to surrender a residential parking permit, so revoked, shall constitute a violation of this Code.*

(g) Compliance with signs.

When signs are erected adjacent to *streets in the controlled parking residential areas listed in this section, no person shall park a vehicle for longer than two (2) hours between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, unless such vehicle has a properly displayed residential parking permit decal for the area in which parked provided that these provisions shall not apply to locations specified in §11-2172 (no parking zones), §11-2171 (places no-parking), §11-2173 (no stopping or standing) §11-2174 (time limited parking), §11-2177 (loading zones), §11-2178 (bus zones), §11-2202 (meter zones). A residential parking permit shall not guarantee or reserve to the holder a parking space within a designated controlled parking residential area.*

(Ord. No. 1979-8, 2-6-79; Ord. No. 1981-657A, §1, 5-5-81; Ord. No. 1982-834, §1, 2-2-82; Ord. No. 1996-820, §1, 2-6-96; Ord. No. 2007-182, §1, 3-20-07)

Editor's note: It should be noted that, with the adoption of Ord. No. 1981-735, on Sept. 1, 1981, §11-2182 was amended "to reflect the addition of the following entry in Residential Area A, Controlled Parking:

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Chamberlain Street, both sides, Hillsborough Street to Stafford Street."

Annotation: The U.S. Supreme Court, in *County Board of Arlington County, Virginia v. Richards*, 54 L.Ed. 2d 4 (1977) upheld the constitutional validity of controlled *parking* in residential areas.

Sec. 11-2183. - PARKING, OBSTRUCTIONS PROHIBITED AT MOORE SQUARE TRANSIT TRANSFER FACILITY.

After appropriate signs have been erected or affixed giving notice of these regulations, it *shall* be unlawful for any *person* to operate, stand, or *park* any *motor vehicles* or to allow other physical obstructions by equipment, structures, or other means in those areas of the Moore Square transit transfer facility designated and intended for the passage of buses or for pedestrians, except by a permit issued under applicable *City* policies and in compliance with any and all conditions of such permit; provided, however, this prohibition *shall* not apply to City of Raleigh transit *vehicles*, police, fire or other emergency *vehicles*, or privately owned motorized equipment such as wheelchairs or prosthetic equipment providing transport to the physically handicapped.

(Ord. No. 1987-912, §1, 2-3-87)

Editor's note: Ord. No. 1987-912, §1, adopted Feb. 3, 1987, did not expressly amend the Code; hence, codification as §11-2183 was at the editor's discretion.

Sec. 11-2184. - TAXI ZONES.

When signs are erected giving notice thereof, no *person shall stop, stand or park any vehicle except* officially licensed taxis in taxi zones described in official *Traffic Schedule* No. 22. Taxi operators *may park* in such zones while waiting for riders provided that they remain within five feet of their cab at all times unless expeditiously assisting a passenger.

(Ord. No. 1989-467, §1, 12-5-89; Ord. No. 2003-390, §1, 2-18-03)

Sec. 11-2185. - POLICE VEHICLE PARKING ZONE.

No *person shall stop, stand, or park any vehicle except* official law enforcement *vehicles* in any area described as a police *vehicle parking zone* in official *Traffic Schedule* No. 23. A police *vehicle* includes but is not limited to any car, truck, trailer, motorcycle, van or any combination of the above *used for* the purpose of enforcing the laws, ordinances and regulations of the *City of Raleigh*.

(Ord. No. 2001-973, §1, 4-3-01)

Sec. 11-2186. - VALET PARKING.

(a) [Valet parking.]

Valet parking means the business of using the *streets* for the purposes of loading and unloading passengers to and from vehicles and for the parking of those vehicles. *Valet parking shall* only be operated in connection with a designated *valet parking zone*.

(b) [Permit required.]

No *person shall engage* in the business of operating *valet parking* service in the *City* without first obtaining a permit pursuant to this section. The operator *shall* also be required to obtain a valid privilege license from the *City* but the Revenue Collector cannot issue such privilege license until

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the *valet parking* permit has been obtained.

(c) [Permit application.]

Any *person* desiring to operate a *valet parking* business *shall* make an application for the permit to the Public Works Director or his designee. The application *shall* contain the *following* information and *shall* be accompanied by a filing fee in an amount to be determined from time to time by the *City Council*:

(1) The name, age, business address and residence of the applicant if a natural *person*; if a corporation, its name, address of its principal office, and the names of its principal officers together with their respective addresses; if a partnership, association, or other unincorporated entity, the names of the partners, or the names of those comprising the association or company with the address of each.

(2) The experience of the applicant in the provision of such services and whether any similar permit in any jurisdiction has ever been revoked, and if so, the circumstances of such revocation.

(3) The uniform or insignia to be used to designate the applicant's employees.

(4) The *street* and sidewalk locations and the times during which applicant intends to provide valet service.

(5) Whether the applicant or any of its principal officers or employees has ever been convicted of a felony or a violation of any narcotic law, or a crime involving moral turpitude.

(6) Such other information that the Public Works Director or his designee believes necessary to assure that the public *streets* can meet their main purpose of carrying motor vehicular traffic.

(d) Insurance.

No permit *shall* be issued or continued in operation, and no *person shall* operate a *valet parking* service unless and until there is in full force and effect a motor vehicle liability insurance policy insuring such *owner* and each employee thereof, and unless and until such *owner shall* file with the *City Clerk* a written certificate of insurance showing that the policy or policies are in effect and that they cannot be cancelled without thirty (30) days written notice to the *City Clerk*. The policies *shall* have coverage limits of not less than one million dollars (\$1,000,000.00) for death or injury in any one occurrence, and property damage coverage of not less than one hundred thousand dollars (\$100,000.00). In addition, the *owner shall* also furnish the insurance coverage required by §11-6001(b) herein.

(e) Issuance.

Upon receipt of the completed application and fee, the Public Works Director or his designee *shall* conduct any investigation deemed appropriate to determine whether a permit should issue. In making the determination, the number of services already operating in an area, the number of zones already in the area requested, the hours of operation being proposed, and the probable effect of the service of local traffic conditions.

(f) Authority of the *City*.

The *City* reserves the right to determine and designate appropriate *street* locations and times for

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the operation of *valet parking* services. Once the *City* has determined and designated appropriate *street* locations and times for the operating of valet services, the service *shall* be limited to parking or unloading vehicles only at those *street* locations and times. No cars will be parked in on *street* parking areas. The *City* reserves the right to add, modify or eliminate *street* locations and times at any time in order to protect pedestrian traffic and improve conditions for the flow of motor vehicular traffic.

(g) Suspension and revocation.

Any permit issued hereunder *may* be suspended or revoked for any reason that would justify a refusal to issue the permit originally or by reason of any failure by the permittee to comply with the provisions of this code, or any condition imposed by the Public Works Director or his designee upon issuance of the permit. The permit *may* be suspended if the sidewalk or *street* area is needed for parades, festivals or other such special events. Except for temporary suspensions for special events as set out above, the permittee is entitled to prompt notice of the *City's* intent to suspend or revoke and is entitled to a hearing before the Public Works Director or his designee. The permittee *may* appeal the decision of the Public Works Director or his designee to the *City Council*.

(h) Penalties.

Violations of the permit requirements are a misdemeanor punishable by a fine of up to five hundred dollars (\$500.00) and by any civil remedy available under North Carolina law, G.S. 160A-75. Violations are also grounds for the revocations of the required business privilege license.

(Ord. No. 2007-159, §1, 1-23-07)

Sec. 11-2187. - NO PARKING TOW AWAY ZONE.

No *person shall* stop, stand or park a vehicle in a No Parking Tow Away Zone. All such zones *shall* be clearly marked as such by uniform signage. Parking in such a zone will subject the vehicle to being immediately towed. The *owner* of the vehicle *shall* be notified of the tow pursuant to the provisions for post towing remedies found in G.S. 20, Article 7A. The *City Council shall* designate each zone and the designated zones will be placed into the Official Traffic Schedule and will be denominated as such.

(Ord. No. 2007-179, §1, 3-6-07)

Sec. 11-2188. - EXTRAORDINARY IMPACT EVENTS.

The City Manager *shall* have the authority to suspend parking regulations and to reserve on street parking spaces in certain situations. Any individual or business may apply to the City Manager for a reserved spot on one of the *City* streets set out below. The application *shall* be submitted at least twenty-four (24) hours in advance of the time desired for the reservation. The fee for a reserved space on the street is one hundred dollars (\$100.00) if the vehicle has up to four (4) wheels and two hundred dollars (\$200.00) if the vehicle has more than four (4) wheels or is in any other way an oversize vehicle. It is the sole discretion of the City Manager as to what vehicles are appropriate for on street parking and his decision is final. Before granting such a permit the City Manager *shall* find that the event is of such a spontaneous nature and parking impact that special parking should be provided to facilitate public safety and optimum traffic flow. No permit granted under this ordinance *shall* extend more than five (5) calendar days. At the expiration of the five (5) day period the applicant may reapply or seek a longer waiver from the *City Council*. The authority granted herein *shall* extend only within an area bounded by

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Edenton Street on the North, Dawson Street on the West, South Street on the South, and Wilmington Street on the East. Nothing herein *shall* allow parking on sidewalks.

(Ord. No. 2007-240, §1, 6-5-07)

Secs. 11-2189—11-2199. - RESERVED.

ARTICLE K. - PARKING METERS

[Sec. 11-2200. - PENALTIES.](#)

[Sec. 11-2201. - DEFINITIONS.](#)

[Sec. 11-2202. - PARKING METER ZONES.](#)

[Sec. 11-2203. - INSTALLATION OF PARKING METERS.](#)

[Sec. 11-2204. - OPERATION OF PARKING METERS.](#)

[Sec. 11-2205. - PARKING TIME LIMITS.](#)

[Sec. 11-2206. - METER ZONES; PERIOD OF OPERATION.](#)

[Sec. 11-2207. - EXCEPTIONS TO PARKING TIME LIMITATIONS AND TO REQUIRED ACTIVATION OF PARKING METERS BY DEPOSIT OF COINS; PARKING SPACE ENCUMBRANCE.](#)

[Sec. 11-2208. - PARKING EXCEPTIONS AND SPACE RESERVATIONS AUTHORIZED BY CITY COUNCIL.](#)

[Sec. 11-2209. - CONTENTS OF APPLICATION; FORM.](#)

[Sec. 11-2210. - ISSUANCE OF PERMITS.](#)

[Sec. 11-2211. - UNLAWFUL ACTS.](#)

[Sec. 11-2212. - VIOLATIONS.](#)

[Sec. 11-2213. - ENFORCEMENT.](#)

[Sec. 11-2214. - USE OF PROCEEDS.](#)

[Sec. 11-2215. - RESERVATION OF POWERS.](#)

[Sec. 11-2216. - IMMOBILIZATION OF VEHICLES.](#)

[Secs. 11-2217—11-2230. - RESERVED.](#)

Sec. 11-2200. - PENALTIES.

All offenses set out in Article K of this chapter *shall* be punished as civil offenses pursuant to G.S. 160A-175. Violations *shall* not be misdemeanors or infractions pursuant to G.S. 14-4.

(Ord. No. 1986-774, §5, 4-15-86)

Sec. 11-2201. - DEFINITIONS.

(a) Operator.

The word **operator** as used in this article, *shall* mean and include every individual who *shall* operate a *vehicle* as the *owner* thereof, or as the agent, employee or permittee of the *owner*, or is in actual physical control of a *vehicle*.

(b) Park, parking.

The word **park** or **parking**, as used in this article, *shall* mean the standing of a *vehicle*, whether occupied or not, upon a *street* otherwise than temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers or loading or unloading merchandise or in obedience to traffic regulations, signs or signals or an involuntary stopping of the *vehicle* by

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reason of causes beyond the control of the operator of the *vehicle*.

(c) Parking meter.

The word ***parking meter***, as used in this article, *shall* mean and include any mechanical device or meter not inconsistent with this chapter placed or erected for the regulation of *parking* by authority of this chapter. Each *parking* meter installed *shall* indicate by proper legend the legal *parking* time established by the *City* and when operated *shall* at all times indicate the balance of legal *parking* time, and at the expiration of such period *shall* indicate illegal or overtime *parking*.

(d) Parking meter zone.

The words ***parking meter zone***, as used in this article, *shall* mean and include any restricted *street* upon which *parking* meters are installed and in operation.

(e) Parking meter space.

The words ***parking meter space***, as used in this article, *shall* mean any space within a *parking* meter zone, adjacent to a *parking* meter and which is duly designated for the *parking* of a single *vehicle* by lines painted or otherwise durably marked on the curb or on the surface of the *street* adjacent to or adjoining the *parking* meters.

(Code 1959 , §21-44)

Annotation: Metered *parking* is permissible, if for a regulatory, rather than revenue-earning purpose. *State v. Scoggin*, 236 NC 1, 72 S.E. 2d 97 (1952).

Sec. 11-2202. - PARKING METER ZONES.

The named and described areas, *streets*, or portions of *streets* designated by official *Traffic Schedule* No. 20, "Parking Meter Zones," hereby incorporated by reference into this Code, *shall* comprise the *parking meter zones* of the *City*. The installation and operation of *parking meters*, the enforcement of *parking* time limits, and other provisions of this article *shall* be in accordance with *Traffic Schedule* No. 20, "Parking Meter Zones."

Sec. 11-2203. - INSTALLATION OF PARKING METERS.

In the *parking meter zones* the transportation director *shall* cause *parking meters* to be installed upon the curb or *sidewalk* immediately adjacent to the *parking* spaces provided in §11-2212, and the transportation director *shall* be responsible for the regulation, control, operation, maintenance and use of such *parking meters*. Each device *shall* be so set as to display a signal showing legal *parking* upon the deposit of the appropriate coin or coins, lawful money of the United States of America, for the period of time prescribed by this article. Each device *shall* be so arranged that upon the expiration of the lawful time limit it will indicate by a proper visible signal that the lawful *parking* period has expired and in such cases the right of such *vehicle* to occupy such space *shall* cease and the *operator*, *owner*, *possessor* or *Manager* thereof *shall* be subject to the penalties hereinafter provided.

(Code 1959 , §21-46)

Sec. 11-2204. - OPERATION OF PARKING METERS.

(a) Except in a period of emergency determined by an *officer* of the Fire or Police Department, or in

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compliance with the directions of a police *officer* or traffic-control sign or signal, when any *vehicle shall be parked* in any *parking* space alongside or next to which a *parking meter* is located, the *operator* of such *vehicle shall*, upon entering the *parking meter space*, immediately deposit or cause to be deposited in that meter such proper coin of the United States of America as is required for the *parking meter* and as is designated by proper directions on the meter, and when required by the directions on the meter, the *operator* of the *vehicle*, after the deposit of the proper coin or coins, *shall* also set in operation the timing mechanism of the meter in accordance with directions properly appearing thereon, and failure to deposit the proper coin, and to set the timing mechanism in operation when so required, *shall* constitute a violation of this article.

(b) Upon the deposit of a coin (and the setting of the timing mechanism in operation when so required) the *parking* space *may* be lawfully occupied by the *vehicle* during the period of time which has been prescribed for the part of the *street* in which the *parking* space is located, provided that any *person* placing a *vehicle* in a *parking meter space* adjacent to a meter which indicates that unused time has been left in the meter by a previous occupant of the space *shall* not be required to deposit a coin so long as his occupancy of the space does not exceed the indicated unused *parking* time. If the *vehicle shall* remain *parked* in any *parking* space beyond the *parking* time limit set for the *parking* space, and if the meter *shall* indicate illegal *parking*, then, and in that event the *vehicle shall* be considered as *parking* overtime and beyond the period of legal *parking* time and such *parking shall* be deemed a violation of this article.

(Code 1959 , §21-47)

Sec. 11-2205. - PARKING TIME LIMITS.

(a) Fifteen-minute parking meter zones.

Parking or standing a *vehicle* in a designated space in a fifteen-minute *parking zone* as provided in *Traffic*

Schedule No. 20, parking meter zones, shall be lawful for fifteen (15) minutes upon deposit of fifty cents (\$0.50) in coins of the United States of America.

(b) Thirty-minute parking meter zones.

Parking or standing a *vehicle* in a designated space in a thirty-minute *parking meter zone* as provided by official *Traffic Schedule No. 20, parking meter zones, shall* be lawful for thirty (30) minutes upon deposit of fifty cents (\$0.50) in coins of the United States of America.

(c) One-hour parking meter zones.

Parking or standing a *vehicle* in a designated space in a one-hour *parking meter zone* as provided by official *Traffic Schedule No. 20, shall* be lawful for one (1) hour upon deposit of fifty cents (\$0.50) in coins of the United States of America.

(d) Two-hour parking meter zones.

Parking or standing a *vehicle* in a designated space in a two-hour *parking meter zone*, as provided by official *Traffic Schedule No. 20, shall* be lawful for two (2) hours upon deposit of fifty cents (\$0.50) in coins of the United States of America.

(Code 1959 , §21-48(a)—(d); Ord. No. 1989-427, §1, 9-5-89; Ord. No. 2004-666A, §§9—12, 6-29-04)

Sec. 11-2206. - METER ZONES; PERIOD OF OPERATION.

Parking meters shall be operated in parking meter zones every day between the hours of 8:00 a.m. and 5:00 p.m., except Saturday, Sunday, Independence Day, Labor Day, Thanksgiving Day, Martin Luther King, Jr., Day (third Monday in January), and Christmas Day, and except at the central post office where parking shall be restricted in accordance with the provisions of this chapter and except on such other days and times excepted from time to time by the City Council, and noted on official Traffic Schedule No. 20; provided that the exceptions shall not apply to the fifteen-minute parking meter zone around the post office building.

(Code 1959 , §21-48(f); Ord. No. 1987-954, §1, 4-7-87; Ord. No. 2006-998, §2, 4-18-06)

Sec. 11-2207. - EXCEPTIONS TO PARKING TIME LIMITATIONS AND TO REQUIRED ACTIVATION OF PARKING METERS BY DEPOSIT OF COINS; PARKING SPACE ENCUMBRANCE.

(a) When *parking* or loading on the *streets* of the *City* is prohibited for longer than the time limits stated in this chapter and/or when *parking* is permitted in *metered parking spaces* only when the *operator* of a *vehicle*, upon entering the *parking meter space*, immediately activates or causes to be activated the timing mechanism on the meter in accordance with this chapter, the *operator* of a *motor vehicle* or other *person may park* on or otherwise encumber the *parking areas* or *metered spaces* or loading zones on the *streets* of the *City* for periods of time longer than otherwise permitted by this chapter and without activating any *parking meter or meters* when the *following* conditions have been satisfied and when a permit has been issued for the encumbrance of a *parking area*.

(b) Upon application to and approval of the Inspections Director or his/her designee, any of the *following* persons *may* obtain a permit at no charge for the encumbrance of a *parking space* or spaces by the placement of standard traffic type signs, barricades, or cones in metered or unmetered spaces:

(1) *Persons* requiring temporary *parking space* immediately adjacent to residential, commercial or industrial buildings for loading or unloading of building or office equipment or *personal property* and who satisfy the review agent that the use of the *parking spaces* is necessary in order to move the equipment or *property*.

(2) *Persons* having a permit from the Inspections Department in connection with any building construction or demolition project and who satisfy the review agent that the use of the *parking space(s)* is necessary to facilitate the project.

(3) *Persons* having a permit from the Inspections Department to perform any plumbing, electrical, heating, sign-hanging or other project in any public way or on premises adjacent to any *street, alley, or sidewalk*, and who satisfy the review agent that the use of the *parking space(s)* is necessary to facilitate the project.

(4) *Persons* engaged in any public improvement under contract with the *City* or engaged in any work under the supervision of the *City Engineer*, who have a certification from the *City Manager* that the use of the *parking spaces* is necessary to facilitate the project.

(5) Representatives of the Wake County board of elections, upon request that additional *parking* is required on an election day at one (1) or more polling places to accommodate voters.

(6) *Persons* who are operating civic or convention centers as defined in §10-2002 of this Code. The Inspections Director *may* set aside *parking* for such a facility pursuant to this standard on any

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block face adjoining the facility or on any *block* face adjoining the *block* faces immediately adjoining the facility. No such reservation *shall* be for a period of more than three (3) consecutive days, and any such reservation *shall* not include existing loading zones within the reserved area.

(7) *Persons* who are operating hotels, motels, or other places of assembly in the downtown exempt *parking* area as defined in §10-2061(k)(2) *may* request the reservation of on-street spaces adjoining their facility when the facility is hosting a conference or other meeting which will create a demand for *parking* which cannot be satisfied by the facility's existing off-street *parking*. No such reservation *shall* be effective for more than three (3) consecutive days, and any such reservation *shall* not include existing loading zones within the reserved area.

(8) The *City Manager* *may* at any time authorize the reservation of *metered* or unmetered *parking spaces* for the purpose of loading and unloading passenger buses. No such reservation *shall* exceed seventy-two (72) consecutive hours.

(9) Contractors engaged in the servicing of building equipment limited to electrical, mechanical, plumbing, fire alarm, fire pump, and building elevator contractors *may* apply for a one-day renewable permit to perform such work. There *shall* be an administrative fee assessed for each permit equal to nine (9) times the current *parking meter* hourly rate. This permit *shall* be available only in the areas delineated in §10-2081(c) and §10A-2061(k)(2) of this Code.

(10) Movers engaged in moving the contents of a home, office, industrial or other commercial site from one location to another for the continued use of the same party *may* apply for a one-day renewable permit to encumber one (1) or more parking spaces while completing the work. The fee for this permit *shall* be the same as the fee for the permit described in subsection (9) above.

(c) Exemptions:

(1) *Persons* licensed as funeral directors and holding services in any funeral home or church *shall* be exempted from making application and receiving permits provided for by this section so long as suitable markings are used to indicate to the public that a funeral is in progress.

(2) Public utilities engaging in construction and maintenance work in/or adjacent to any public way that have a right-of-way permit for such work *shall* be exempted from making application and receiving permits provided for by this section so long as suitable markings are used to indicate to the public that such work is being undertaken.

(Code 1959 , §21-48.1; Ord. No. 1984-452, §1, 12-4-84; Ord. No. 1989-424, §§1—3, 9-5-89; Ord. No. 1992-988, §1, 6-2-92; Ord. No. 2001-56, §1, 7-17-01)

Cross reference: Temporary *parking* restrictions by the Chief of Police, §11-2181

Sec. 11-2208. - PARKING EXCEPTIONS AND SPACE RESERVATIONS AUTHORIZED BY CITY COUNCIL.

The *City Council* *shall* authorize reservation of *parking* spaces, but *shall* not waive the prescribed fees, in circumstances not covered in §11-2207 upon evidence and findings by the *Council* that:

(a) The proposed use and necessity of reservation of spaces is of a temporary and not regularly occurring nature;

(b) The proposed use and necessity of reservation of spaces is for a lawful purpose;

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- (c) The reservation of spaces will not significantly impede pedestrian or vehicular traffic;
- (d) The proposed use will not endanger pedestrians, motorists, or occupants of adjacent buildings;
- (e) The purpose of which reservation of spaces is requested cannot be accomplished otherwise without risk of personal injury or *property* damage, or without excessive expense; and
- (f) The proposed use and reservation of spaces will not be injurious to the public peace, health, safety, and welfare.

(Code 1959 , §21-48.1; Ord. No. 1983-83, §1, 3-15-83)

Sec. 11-2209. - CONTENTS OF APPLICATION; FORM.

The *following* rules and regulations *shall* govern the making of the application or the issuance of any permit hereinbefore authorized:

(a) Written authorization.

The application for a permit *shall* be made *in writing* on a form supplied by the Inspections Department. The application will show the name of the business or applicant's name; the reason for the encumbrance of the *parking* space or spaces; any certification required by this section; and the location of the proposed activity and the number of spaces desired to be encumbered and the day or dates needed and such other information as *may* be required by the Police Department.

(b) Exhibit of permit.

In all cases, any permit issued hereunder *shall* be displayed by the permittee (or his agent) at the location of the *parking* spaces authorized to be encumbered and *shall* be exhibited to any *officer* or employee of the *City* upon demand.

(Code 1959 , §21-48.1; Ord. No. 1984-452, §2, 12-4-84)

Sec. 11-2210. - ISSUANCE OF PERMITS.

When the application has been approved by the Inspections Department, a permit will be issued for the date or dates requested; provided, however, that no permit issued hereunder *shall* be for a period in excess of thirty (30) days, and provided further, nothing herein contained *shall* prohibit the reapplication and reissuance of permits for successive periods not to exceed thirty (30) days each. The holder of the permit *shall* be authorized to place traffic type signs, barricades, or cones at the *metered* or unmetered *parking spaces* to secure or maintain these spaces during the term of the permit.

(Code 1959 , §21-48.1; Ord. No. 1984-452, §3, 12-4-84)

Sec. 11-2211. - UNLAWFUL ACTS.

(a) It *shall* be unlawful for any *person* other than a *person* having a valid permit issued under authority of §§11-2207 through 11-2210, his authorized agents, employees or servants to *park* or stand any *vehicle* in the *street parking* space adjacent to any *parking meter* covered or hooded or in a *street parking* space in which a traffic cone has been placed; provided that employees of the *City* traffic engineering department *shall* be authorized to encumber any area described in §11-2207 for the purpose of the installation or maintenance of any traffic-control devices, such encumbrance to be

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accomplished by the placement of traffic cones or barricades in such area.

(b) It *shall* be further unlawful for any unauthorized *person* to cover or hood any *parking meter*, or to place a traffic cone in any *parking* space, or to remove, damage or destroy any official *parking meter* cover, hood or traffic cone of the *City*, or for any unauthorized *person* to have in his possession any official *parking meter* hood or cover, traffic cone, or any other device designed for the encumbrance of *parking* spaces contrary to the provisions of §§11-2207 through 11-2210

(Code 1959 , §21-48.1)

Sec. 11-2212. - VIOLATIONS.

It *shall* be unlawful and a violation of the provisions of this article for any *person*:

(a) To cause, allow, permit, or suffer a *vehicle* registered in the name of, or operated by that *person*, to be stopped, left standing or *parked* overtime or beyond the period of legal *parking* time established for any *parking meter zone* as herein described, or to deposit in any *parking meter* any coin for the purpose of *parking* beyond the maximum legal *parking* time for the particular *parking* zone.

(b) To cause or allow a *vehicle* to be stopped, left standing, or *parked* in a *parking meter space* while the *parking meter* for such space is displaying a signal indicating that the meter is not active.

(c) To stop, leave standing or *park* any *vehicle* across any line or marking of a *parking meter space* or in such position that the *vehicle shall* not be entirely within the area designated by such lines or markings.

(d) To deface, injure, tamper with, open or willfully break, destroy, or impair the usefulness of any *parking meter* installed under the provisions of this chapter.

(e) To deposit or cause to be deposited in any *parking meter* any slugs, device, or metal substance, or other substitute for lawful coins.

(f) Each interval of time, equal to the legally allowable *parking* time in any particular zone, by which a *vehicle* remains beyond the legal time *shall* be a separate violation. For example, each hour or part thereof a *vehicle* remains past the first hour in a one-hour *parking* zone *shall* constitute a separate violation.

(Code 1959 , §21-49; Ord. No. 1981-691, §3, 6-16-81)

Sec. 11-2213. - ENFORCEMENT.

It *shall* be the duty of the Police Department and officials of the violations division of the Department of Finance to enforce the provisions of this article.

Sec. 11-2214. - USE OF PROCEEDS.

The proceeds derived from the use of such *parking meters shall* be used exclusively for the purpose of making such regulation effective and for the expenses incurred by the *City* in the regulation and limitation of vehicular *parking*, and traffic relating to such *parking*, on the *streets* of the *City*.

(Code 1959 , §21-51)

Sec. 11-2215. - RESERVATION OF POWERS.

Nothing in this article *shall* be construed as prohibiting the *City* from providing for bus stops, for taxicab stands and other matters of similar nature, including the loading or unloading of trucks, vans, or other commercial *vehicles*.

(Code 1959 , §21-52)

Sec. 11-2216. - IMMOBILIZATION OF VEHICLES.

(a) The *City* Manager or his designee *may* immobilize by the use of wheel locks and tow and impound any vehicle which is illegally parked in violation of article J or article K of Part 11 of this Code, and for which there are three (3) or more outstanding, unpaid, and overdue parking tickets for a period of ninety (90) days. For the purpose of determining whether an illegally parked vehicle has had issued against it three (3) or more outstanding, unpaid, and overdue parking tickets for a period of ninety (90) days, it *shall* be sufficient if the license plate number of the illegally parked vehicle and the license number of the vehicle having received the tickets are the same.

(b) If a wheel lock is attached to a vehicle, a notice *shall* be affixed to the windshield or other part of the vehicle so as to be readily visible. The notice *shall* warn that the vehicle has been immobilized and that any attempt to move the vehicle *may* result in damage to the vehicle. The *City* of Raleigh *shall* not be responsible for any damage to an immobilized illegally parked vehicle resulting from unauthorized attempts to free or move the vehicle. An immobilization fee of fifty dollars (\$50.00) *shall* be charged for the removal of the wheel lock. The notice *shall* also state the total amount of civil penalties due for parking tickets which are overdue and unpaid and attributable to such vehicle, and the immobilization fee to be charged. The address and telephone number to be contacted to pay the charges to have the wheel lock removed *shall* also be listed.

(c) If civil penalties due and an immobilization fee as herein provided are not paid, or satisfactory arrangements in lieu of payment are not made, within twenty-four (24) hours of the attachment of the wheel lock, such vehicle *may* be towed and impounded to any public or private impoundment lot. If a private contractor tows and stores the vehicle he *may* impose against the vehicle his customary fees and charges for such services.

Once a vehicle has been impounded, the Finance Director or his designee, *shall* mail a notice of impoundment to the registered *owner* and lienholders, if any are known, at the address or addresses reported to the *City* by the North Carolina Department of Motor Vehicles.

(d) Upon payment of all civil penalties and overdue and unpaid parking tickets issued for the vehicle and of all other charges authorized by this section, including immobilization, towing, and impoundment fees, the vehicle *shall* be released to the *owner* or any other *person* legally entitled to claim possession of the vehicle.

(f) The *owner* or other *person* entitled to possession of the vehicle which has been immobilized pursuant to this section *may* submit a request for hearing to the Finance Director by certified mail or personal delivery within seven (7) days from the receipt of the notice provided for in subsection (c) hereinabove. If a hearing is requested, a statement *shall* be sent to the requesting party to inform him of the time and place of the hearing, of the basis of the vehicles immobilization and impoundment, of the rules governing conduct of the hearing, of the right to present evidence as to why the vehicle should not have been immobilized or towed, and of the right to be represented by counsel. The hearing *officer* *shall* prepare a *written* report of his findings within three (3) days of the hearing. The report *shall* state

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his conclusion as to whether the vehicle was properly immobilized and towed, and the reasons underlying his conclusion. If it is concluded that the vehicle was improperly immobilized or towed, then any improper charges *shall* be canceled, or if paid, rebated.

(g) It *shall* be unlawful for anyone to remove from a vehicle a wheel lock placed thereon pursuant to this section or to remove from impoundment any vehicle placed therein pursuant to this section without all civil penalties and applicable charges having first been paid or an approved payment plan having been made.

(h) The *City Manager* is authorized to establish guidelines to adjust the amount of civil penalties imposed pursuant to this section to promote the resolution of any claim against *persons* with ten (10) or more outstanding delinquent parking tickets.

(Ord. No. 1995-714, §1, 9-5-95)

Secs. 11-2217—11-2230. - RESERVED.

ARTICLE L. - SIGNING AND TRAFFIC ROUTING IN THE EVENT OF STREET OBSTRUCTION

[Sec. 11-2231. - DEFINITIONS.](#)

[Sec. 11-2232. - CERTAIN OBSTRUCTIONS PROHIBITED; EXCEPTIONS.](#)

[Sec. 11-2233. - USE OF FLAGMEN; CHANNELIZATION OF TRAFFIC.](#)

[Sec. 11-2234. - USE OF WARNING SIGNS GENERALLY.](#)

[Sec. 11-2235. - WARNING DEVICES FOR NIGHTTIME OBSTRUCTION.](#)

[Sec. 11-2236. - ALTERNATE WARNING DEVICES WHEN DURATION OF OBSTRUCTION 30 MINUTES OR LESS.](#)

[Sec. 11-2237. - FAILURE TO REMOVE SIGNS.](#)

[Sec. 11-2238. - SIGNS MUST CONTAIN CORRECT INFORMATION.](#)

[Sec. 11-2239. - EMERGENCY SITUATIONS.](#)

[Sec. 11-2240. - DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION TO PUBLISH AND MAINTAIN MANUAL; CONTENTS OF MANUAL; COPIES ON FILE.](#)

[Sec. 11-2241. - NORTH CAROLINA DEPARTMENT OF TRANSPORTATION EMPLOYEES AND AGENTS EXEMPTED.](#)

[Sec. 11-2242. - REMOVAL OR DESTRUCTION OF WARNING DEVICES.](#)

[Sec. 11-2243. - BUILDING MATERIALS ON STREET.](#)

[Sec. 11-2244. - DURATION OF SIGNING, SIGNALLING AND CHANNELIZATION REQUIREMENTS; CLEANING STREET.](#)

[Sec. 11-2245. - VIOLATION AND NONCOMPLIANCE.](#)

Sec. 11-2231. - DEFINITIONS.

The *following* words as used in the provisions of this article *shall* have the *following* meanings:

Street *shall* mean any paved portion, including curbing and gutters, located on any right-of-way conveyed to, dedicated to, or purchased by the State of North Carolina or the *City*, and which paved portion is used by the public for the passage of *motor vehicle*, *vehicle*, and pedestrian traffic. "Street" as herein defined *shall* not include any portion of a *sidewalk*.

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Obstruction shall mean any object, hole, excavation, spoil from an excavation, stored building material, or other condition which renders any portion of a *street* impassable to *motor vehicle, vehicle* or pedestrian traffic; or, which creates the threat of imminent danger to the health, safety or *property* of any *person* using the *street* for the purpose of *motor vehicle, vehicle* or pedestrian traffic; or, which creates the threat of imminent danger to the health, safety or *property* of any *person* using the *street* for the purpose of *motor vehicle, vehicle* or pedestrian traffic passage; provided that traffic cones or other devices used to protect wet pavement marking shall not be considered as obstructions.

Manual shall mean the "Traffic Control Manual for Construction and Maintenance, City of Raleigh." This manual shall be kept on file at all times in the office of the *City Clerk*.

Emergency situation. An "emergency situation" exists when the obstruction results from or is caused by any unanticipated event or happening which endangers the health or safety of *persons* using or desiring to use the obstructed *street*. Such emergency situation continues for the reasonable length of time necessary for the *person, persons, firm* or corporation working to remove the obstruction to comply with the requirements of this article in a manner consistent with providing protection for the health, safety and *property* of *persons* using or desiring to use the obstructed *street*.

(Code 1959 , §19-33)

Cross reference: *Street* responsibilities of the Department of Public Works, Part 7, Chs. 1, 2.

Sec. 11-2232. - CERTAIN OBSTRUCTIONS PROHIBITED; EXCEPTIONS.

(a) *Obstruction* of any portion of the *following* streets shall be prohibited at the time mentioned unless the *person, persons, agency* or corporation obstructing the *street* shall first obtain a special permit:

(1) Any *street* within the *City* having a marked centerline, or having marked *lanes*, between the hours of 7:00 a.m. and 9:00 a.m. and between the hours of 4:00 p.m. and 6:00 p.m.

(2) All *streets* with five (5) or more traffic lanes at the point of work, all *streets* with two (2) traffic lanes in each direction divided by a median, and all *streets* within the "Central Business District" (CBD), the area bounded by East Street, West Street, South Street and Peace Street, between the hours of 7:00 a.m. and 6:00 p.m.

(3) Any *street* which is totally closed to through traffic.

(b) Special permission to obstruct a portion of the above specified *streets* shall be obtained by having the transportation director or his agent endorse the work permit for working within the *street* right-of-way issued by the Department of Public Works pursuant to §7-2001. This permit shall be maintained at the work site at all times while work is being performed.

(c) Special permission to obstruct a lane may be revoked if permittee continues to violate any portion of this article. Permittee must reapply for permission to obstruct a lane if original endorsement is revoked.

(d) Work planned by *City* employees or *City* contractors which conflicts with the prohibitions of subsection (a) shall be authorized in advance by the department head or next official in authority in the department whose employees are doing the work. The department head or next official in authority in that department who authorized the work shall give advance notice to the police communications center dispatcher and the Department of Transportation before the work is begun. This *written* notice shall contain the *following* information:

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- (1) The location of the planned work;
- (2) The time that the planned work is to be done; and
- (3) The nature and extent of the planned work.

(e) Any *person, persons, agency* or corporation obstructing any portion of any of the above defined *streets* or working to remove or repair the cause of any *obstruction* in any such *street shall* at all times use the appropriate signs, signals and warning devices required by the *manual* providing for by this article. Such *person, persons, agency* or corporation so working *shall* remove all signs, signals and warning devices. When the *street* is not in fact obstructed.

(f) Failure to comply with the provisions of this section *shall* be a misdemeanor.

(Code 1959 , §19-34; Ord. No. 1980-416, §§1—3, 7-15-80; Ord. No. 1994-393, §§1—4, 5-3-94)

Sec. 11-2233. - USE OF FLAGMEN; CHANNELIZATION OF TRAFFIC.

(a) In the event that a two-way *street* is obstructed to the extent that motorists are required to cross the centerline of such *street* in order to pass the *obstruction*, the *person, or persons, agency* or corporation conducting the work at the site of the *obstruction shall* (See Figure 10):

(1) Provide signs and barricades and one (1) or more flagmen, as necessary to maintain traffic flow by the *obstruction*; or

(2) Clearly and safely separate and channelize the opposing movement of traffic when the unobstructed portion of the *roadway* is of sufficient width to provide at least a ten (10) feet minimum lane. Such separation and channelization *shall* be achieved by the use of traffic cones, signs and/or barricades.

(b) Failure to comply with the provisions of this section *shall* be a misdemeanor.

(Code 1959 , §19-35; Ord. No. 1980-416, §4, 7-15-80; Ord. No. 1994-393, §§5, 6, 5-3-94)

Sec. 11-2234. - USE OF WARNING SIGNS GENERALLY.

(a) The *following* warning signs *shall* be placed on any *street* right-of-way prior to its being obstructed and *shall* be maintained until said *obstruction* is removed (see illustrations):

(1) Advance warning signs stating that work is being performed ahead *shall* be posted a minimum of 500 feet from the nearest point where the work is being carried on. Such signs *shall* be placed in either direction from the site of such work.

(2) Specified warning signs stating what portion of the *street* is obstructed or, the extent of the *obstruction*, or, otherwise the nature of the work that is being done, *shall* be placed at a minimum of 150 feet proceeding in either direction from the nearest point of *obstruction*.

(3) A flag tree warning device set forth in the *manual* provided for in this article *shall* be located adjacent to the location of the *obstruction*, in either direction of traffic, in the direct line of sight of any motorists approaching the *obstruction* from either direction.

(4) The flow of traffic in either direction *shall* be channelized around *obstruction* by means of traffic cones and/or barricades set up in the *roadway*.

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(5) Minimum specifications for such signs, signals, and warning devices, and illustrative examples of properly placed signs, signals and warning devices *shall* be maintained in the *manual*.

(b) Failure to comply with the provisions of this section *shall* be a misdemeanor.

(Code 1959 , §19-36; Ord. No. 1994-393, §7, 5-3-94)

Sec. 11-2235. - WARNING DEVICES FOR NIGHTTIME OBSTRUCTION.

(a) In the event that an *obstruction* remains in any portion of any *street* after sunset, the *obstruction shall* be clearly defined by reflective signs as specified by §11-2234 and by barricades with flashing lights and reflective qualities, and by placing a flashing light on the high level warning devices at the *obstruction*. Such devices with flashing lights *shall* remain so placed until sunrise of the *following* day.

(b) Failure to comply with the provisions of this section *shall* be a misdemeanor.

(Code 1959 , §19-37)

Sec. 11-2236. - ALTERNATE WARNING DEVICES WHEN DURATION OF OBSTRUCTION 30 MINUTES OR LESS.

In the event that the *obstruction* of the *street* will last no longer than thirty (30) minutes, the *person, persons, agency* or corporation obstructing the *street may*, in lieu of using the other warning devices provided for in this article, use only high level warning devices or *may* use rotary flashing lights mounted on each *vehicle* present at the *obstruction* which is being used in furtherance of the work being performed at the site of the *obstruction*.

(Code 1959 , §19-38)

Sec. 11-2237. - FAILURE TO REMOVE SIGNS.

It *shall* be a misdemeanor for any *person, persons* or corporation to leave signs, signals, and/or warning devices standing in the *street* or right-of-way when the *obstruction* for which such signs, signals and/or warning devices were erected has been removed.

(Code 1959 , §19-38.1)

Sec. 11-2238. - SIGNS MUST CONTAIN CORRECT INFORMATION.

It *shall* be a misdemeanor for any *person, persons* or signs to state a warning in which is inconsistent with the actual condition of the obstructed *street*.

(Code 1959 , §19-38.2)

Sec. 11-2239. - EMERGENCY SITUATIONS.

In the event of an *emergency situation*, as defined in this article, which results in the *obstruction* of any *street* the prohibitions and requirements of this article *shall* not apply. In the event of such *emergency situation* the *person, persons, firm* or corporation working to remove the *obstruction shall* make all reasonable efforts to provide for the immediate protection of the health, safety and *property* of all *persons* using the *street* during the existence of the *emergency situation*. Such *person, persons, firm* or corporation working to remove the *obstruction shall* notify the Department of Transportation and

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Emergency Communication at 911 and *shall* comply with the provisions of this article as soon as is reasonably possible after commencing work to remove the *obstruction* causing the *emergency situation*.

(Code 1959 , §19-39; Ord. No. 1994-393, §8, 5-3-94)

Sec. 11-2240. - DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION TO PUBLISH AND MAINTAIN MANUAL; CONTENTS OF MANUAL; COPIES ON FILE.

The director of the Department of Transportation *shall* publish and maintain, with the approval of the *Council*, a *manual* entitled "Traffic Control Manual for Construction and Maintenance, City of Raleigh." This *manual shall* contain a clear description of the various signs, signals and devices referred to in this article. This *manual may* refer to and incorporate by reference provisions contained in certain texts providing nationally accepted standards and specifications for traffic-control devices and procedures. This *manual shall* contain or incorporate by proper reference, illustrations and drawings of examples of properly signed, signalled, and channelized *obstructions*. This *manual* and all materials incorporated by reference or referred to in said *manual shall* be kept on file at all times in the *City Clerk's* office. A copy of the *manual* and the incorporated and referred-to materials *shall* be available for public inspection at all times during the regular office hours of the *City Clerk*.

(Code 1959 , §19-40)

Sec. 11-2241. - NORTH CAROLINA DEPARTMENT OF TRANSPORTATION EMPLOYEES AND AGENTS EXEMPTED.

Any employee of the North Carolina State Department of Transportation, or any *person, persons*, firm or corporation acting pursuant to a contract with the *agency*, working on any *street* in the *City shall* be exempt from the provisions of this article when the procedures for traffic control in the event of *street* construction and maintenance, promulgated by said *agency*, are being followed.

(Code 1959 , §19-41; Ord. No. 1980-416, §5, 7-15-80; Ord. No. 1994-393, §9, 5-3-94)

Sec. 11-2242. - REMOVAL OR DESTRUCTION OF WARNING DEVICES.

No *person shall* take, steal, move, remove, carry away, destroy, damage or otherwise impair or impede the effectiveness for its intended use, any lamp, lantern, torch, blinking light, reflecting sign, reflecting barricade, traffic cone, barricade, or any other sign, signal, or warning device which has been placed or erected at any place in the *City* for the purpose of warning and safeguarding the public in the event of the construction, maintenance, repair, opening or closing of any *street* as defined in this article.

(Code 1959 , §19-42)

Sec. 11-2243. - BUILDING MATERIALS ON STREET.

(a) Every *person* permitted by the building inspector to use any portion of any *street* for the purpose of placing and storing any building material, equipment or supplies, or spoil material from a demolished structure, *shall* store such items and material on as small amount of space as is reasonably possible.

(b) In no event *shall* such permittee obstruct an area in width more than ten (10) feet. Before obstructing any *street*, such permittee *shall* have the permit issued by him by the transportation director or his agent as provided for in this article. No permittee storing building materials pursuant to the provisions of this section *shall* block, impede or otherwise prevent the passage of water through the

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gutter of such *street*. Such permittee *shall* at all times provide a safe walkway not less than five (5) feet wide around said *obstruction*. Such walkway *shall* be adequately lighted and protected at all times.

On building sites where approval to use a portion of the *street* for staging has been approved, a chain link fence at least six (6) feet high must first be installed as approved. All building material, equipment, etc., *shall* be kept inside this staging area. Any changes to this fenced area, the original traffic control plan, or both, *shall* first be approved by the Department of Transportation after receiving a revised "traffic control site plan."

(Code 1959 , §19-43; Ord. No. 1980-416, §6, 7-15-80; Ord. No. 1994-393, §10, 5-3-94)

Sec. 11-2244. - DURATION OF SIGNING, SIGNALLING AND CHANNELIZATION REQUIREMENTS; CLEANING STREET.

The requirements for signing, signalling and channelizing traffic in the event of an *obstruction* apply throughout the existence of the *obstruction*. An *obstruction* exists as long as any impediment to the free passage of *motor vehicle, vehicle*, or pedestrian traffic exists. Any permittee who obstructs a *street*, and any *person, persons*, firm or corporation not having a permit who works to remove an *obstruction shall*, before removing the signs, signals, and channelization devices, clean the *street* and leave the *street* in a condition to handle the type of traffic that the portion so obstructed was designed to handle. All spoil and excess material *shall* be hauled away. Such cleaning and repair *shall* be done as soon as possible.

(Code 1959 , §19-44)

Sec. 11-2245. - VIOLATION AND NONCOMPLIANCE.

(a) Any *person, persons* or corporation that wilfully violates any provision of this article *shall* be guilty of a misdemeanor.

(b) In the event that any *person, persons*, firm or corporation continually fails to comply with the provisions of this article, such continuing failure to comply *shall* be grounds for the Transportation Department or the Transportation Director to refuse to issue such *person, persons*, firm or corporation a permit to work on the public right-of-way.

(c) Site control superintendent, general contractors, or others responsible for subcontractors or their agents *shall* be held responsible for compliance with the provisions of this article.

(Code 1959 , §19-44; Ord. No. 1994-393, §§11, 12, 5-3-94; Ord. No. 1998-454, §18, 11-4-98)

CHAPTER 3. - BICYCLES

[Sec. 11-3001. - TITLE.](#)

[Sec. 11-3002. - PURPOSE.](#)

[Sec. 11-3003. - DEFINITIONS.](#)

[Sec. 11-3004. - APPLICABILITY OF TRAFFIC REGULATIONS.](#)

[Sec. 11-3005. - PEDESTRIAN RIGHT-OF-WAY ON BIKEWAYS.](#)

[Sec. 11-3006. - USE OF BIKE LANES BY MOTOR VEHICLES.](#)

[Sec. 11-3007. - BICYCLE LANES ESTABLISHED.](#)

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[Sec. 11-3008. - BICYCLE PATHS ESTABLISHED.](#)
[Sec. 11-3009. - BICYCLE HELMETS.](#)

Sec. 11-3001. - TITLE.

This chapter *may* be cited as the "City of Raleigh Bicycle and Bikeway Ordinance of 1974."

(Code 1959 , §6A-1)

State law reference: Bicycle and Bikeway Act, G.S. 136-71.6 et seq.

Sec. 11-3002. - PURPOSE.

The purpose of this chapter is to adopt policies, procedures and standards for planning, designing, constructing, maintaining, marking and operating bikeways in the City of Raleigh's jurisdiction for the safety of bicyclists, motorists and the public.

(Code 1959 , §6A-2)

Sec. 11-3003. - DEFINITIONS.

As used in this chapter, except where the context clearly requires otherwise, the words and expressions defined in this section *shall* be held to have the meanings herein given to them:

(1) Bicycle:

A nonmotorized vehicle with two (2) or three (3) wheels tandem, a steering handle, one (1) or two (2) saddle seats, and pedals by which the vehicle is propelled, and also bicycles with helper motors rated less than one (1) brake horsepower which procedure only ordinary pedaling speed up to a maximum of twenty (20) miles per hour.

(2) Bikeways:

All thoroughfares that explicitly provide for bicycle travel including facilities existing within *street* and *highway* rights-of-way and facilities along separate and independent corridors.

a. Bicycle route:

Those bikeways on existing *street* rights-of-way where bicycles share the roadway with motor vehicles. Bicycle routes are designed by signs placed on vertical posts or stencilled on the pavement. Parking *may* or *may* not be allowed or it *may* be restricted to only certain hours of each day.

b. Bicycle lane:

Those bikeways on existing *street* rights-of-way where a portion of the roadway is set aside for exclusive bicycle use and designated by signs placed on vertical posts or stencilled on the pavement and by a painted line marking the bicycle lane on the pavement. Through travel by motor vehicles or pedestrians is prohibited. Vehicular parking *may* or *may* not be allowed or it *may* be restricted to certain hours of each day. Cross-flows by motor vehicles and pedestrians when necessary to gain access to and from a public *street* or alley and/or a private driveway or other entranceway are

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permitted.

c. Bicycle path:

Those bikeways on existing *street* rights-of-way or on a completely separated right-of-way or easement or upon and across parks, schools or other publicly owned lands where a path is designated for the exclusive or semiexclusive use of bicycles. Use by pedestrians *may* or *may* not be permitted. The parking of any through traffic by motor vehicles is prohibited. Cross-flows by motor vehicles and pedestrians when necessary to gain access to and from a public *street* or alley and/or a private driveway or other entranceway are permitted.

(3) Motor vehicle:

Every self-propelled device in, upon or by which any *person* or *property* is or *may* be transported or drawn upon a *highway*, with the exception of bicycles.

(4) Street and highway:

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 purposes of vehicular traffic.

(Code 1959 , §6A-3)

Sec. 11-3004. - APPLICABILITY OF TRAFFIC REGULATIONS.

All *bicycles* used and operated upon and across designated *bikeways* within the City of Raleigh's jurisdiction *shall* be considered vehicles and the riders of such *bicycles shall* be subject to all provisions of the Raleigh *City Code* and Chapter 20 of the North Carolina General Statutes applicable to the driver of vehicles except those which by their nature can have no application. Bicyclists using the *bike paths shall* comply with all traffic regulations posted along the path and *shall* stop or otherwise yield the right-of-way before entering or crossing a public *street*.

(Code 1959 , §6A-4; Ord. No. 1988-173, §1, 5-17-88)

Sec. 11-3005. - PEDESTRIAN RIGHT-OF-WAY ON BIKEWAYS.

On and across *bikeways* upon which through pedestrian traffic is also permitted *bicycles shall* at all times yield the right-of-way to pedestrians.

(Code 1959 , §6A-5)

Sec. 11-3006. - USE OF BIKE LANES BY MOTOR VEHICLES.

It *shall* be unlawful for any *person* to drive, stop or stand any *motor vehicle* in any *bike lane* designated as such except when necessary to gain access to and from a public *street* or alley and/or private driveway or other entrance way and except that a driver *may* stop temporarily during the actual loading and unloading of passengers or materials if otherwise permitted in this chapter or if necessary to obey traffic regulations or signs or signals of a police *officer*.

(Code 1959 , §6A-6)

Sec. 11-3007. - BICYCLE LANES ESTABLISHED.

The *following bicycle lanes* as defined herein are established for the use of *bicycles* over the *streets* and *highways* within the jurisdiction of the *City*:

(a) Ridge Road, southbound. A *bicycle lane* 7 feet wide is hereby established along the west side of Ridge Road for southbound *bicycle* traffic as hereinafter described:

- (1) 100 feet north of Manuel Street to 200 feet north of Lake Boone Trail.
- (2) 200 feet south of Lake Boone Trail to 200 feet north of Horton Street.
- (3) 100 feet south of Horton Street to Leonard Street.

(b) Ridge Road, northbound. A *bicycle lane* 7 feet wide is established along the east side of Ridge Road for northbound *bicycle* traffic as herein described:

- (1) Wade Avenue to 100 feet south of Birnamwood Road.
- (2) Horton Street to 25 feet south of Darien Drive.
- (3) 100 feet north of Lake Boone Trail to 100 feet north of Manuel Street.

(c) Ashe Avenue. A six-foot *bicycle lane* is established along both sides between Pullen Park Drive and a point approximately 150 feet south of the railroad bridge.

(Code 1959 , §6A- Ord. No. 1980-526, §2, 11-18-80)

Charter reference: Authority to establish *bike lanes* and to regulate *bicycles* generally, §2.14(75).

Sec. 11-3008. - BICYCLE PATHS ESTABLISHED.

The *following bicycle paths* are established for the use of *bicycles* and pedestrians within the jurisdiction of the City of Raleigh.

(a) Wade Avenue, sidewalk, south side. From the Wade Avenue-Glenwood Avenue interchange to the intersection of Wade Avenue with West Street.

(b) Glenwood Avenue, sidewalk, west side. From the Glenwood Avenue and Harvey Street intersection to the south end of the Glenwood Avenue bridge over Wade Avenue.

(c) Glenwood Avenue, sidewalk, eastbound ramp to Wade Avenue, from the south end of the Glenwood Avenue bridge along the interior of the eastbound ramp to existing Wade Avenue sidewalk beneath Glenwood Avenue bridge.

(d) Rowan Street, sidewalk ramp, south side. From Rowan Street crossing the sidewalk and proceeding down to the parking lot of fire station No. 9.

(e) Lassiter Mill Road, sidewalk, east side. From a point 75 feet north of Pamlico Drive to White Oak Drive.

(f) Avent Ferry Road from Western Boulevard to Lake Johnson.

(g) Falls of Neuse Road from Millbrook Road to Strickland Road.

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(h) Rock Quarry Road from Cumberland Road to Creech Road.

(Code 1959 , §6A-8; Ord. No. 1988-173, §2, 5-17-88)

Sec. 11-3009. - BICYCLE HELMETS.

Any *person* less than sixteen (16) *years* of age operating or riding on a *bicycle*, in line skates, roller skates, scooters or any other non-motorized vehicle on a public roadway, greenway, *bicycle path*, or any right-of-way under the jurisdiction of the *City shall* wear a properly fastened protective helmet designed for *bicycle* safety. Such helmet *shall* meet the standards set by the American National Standards Institute or the Snell Memorial Foundation. Failure to wear the required helmet *shall* constitute an infraction.

(Ord. No. 2000-881, §1, 10-3-00)

CHAPTER 4. - PUBLIC TRANSIT

ARTICLE A. - TRANSIT AUTHORITY

ARTICLE B. - GENERAL PROVISIONS(REERVED)

ARTICLE A. - TRANSIT AUTHORITY

[Sec. 11-4001. - TRANSIT AUTHORITY CREATED.](#)

[Sec. 11-4002. - MEMBERSHIP.](#)

[Sec. 11-4003. - TERMS OF MEMBERS.](#)

[Sec. 11-4004. - POWERS AND DUTIES.](#)

[Sec. 11-4005. - TRANSPORTATION DEPARTMENT TO STAFF.](#)

[Sec. 11-4006. - TRANSIT DIRECTOR'S DUTIES.](#)

[Secs. 11-4007 — 11-4020. - RESERVED.](#)

Sec. 11-4001. - TRANSIT AUTHORITY CREATED.

There is hereby created the Raleigh Transit Authority, of such composition and having the powers and duties herein prescribed.

(Ord. 1975-1, §1)

Sec. 11-4002. - MEMBERSHIP.

The Raleigh Transit Authority (hereinafter referred to as the "authority") *shall* be composed of nine (9) members, including a Chairman, such members and Chairman to be named by the *City Council*. In addition to these nine (9) members the *City Council may* also appoint two (2) alternate members to the authority. The alternate members *may* only participate in the deliberations of the authority in the event that enough regular authority members are absent to cause the authority to lack a quorum. Service as

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an alternate member will not count against the member for purposes of the rules against consecutive service on boards and commissions.

(Ord. 1975-1, §2; Ord. No. 2002-235, §1, 6-18-02)

Sec. 11-4003. - TERMS OF MEMBERS.

The term of office for members of the authority *shall* be two (2) *years*, except that of the nine (9) initial appointments, three (3) *shall* be for one (1) *year* terms (not to include the Chairman); thereafter all appointments *shall* be for two (2) *years*.

(Ord. 1975-1, §3)

Sec. 11-4004. - POWERS AND DUTIES.

The responsibilities and powers of the authority *shall* include:

- (a) Implementation of the transit development program and updating periodically that program.
- (b) Development and execution of contracts with a private transit management firm for provision of transit service.
- (c) Marketing, promoting, and providing information about transit service in the Raleigh area.
- (d) Monitoring the quantity and quality of transit service provided.
- (e) Performing operational and short range transit planning and coordination with long range transportation planning done by *City*, regional, and state *agencies*.
- (f) To use *officers*, employees, and facilities of the *City* on such a basis as *may* be agreed upon between the *City* Manager and the authority.
- (g) To maintain and operate facilities and equipment necessary or convenient for authority operations, including the provision of public transportation service.
- (h) To enter into and administer contracts or agreements with civil jurisdictions outside the territory of the authority with respect to the provision of public transportation service.
- (i) To equitably and efficiently establish and administer the scheduling, routing, and rates of transit service.
- (j) To develop budgets for its operation for approval by the *City Council* and to exercise authority hereby granted in conformance with such approved budget. No power or duty herein enumerated *shall* be exercised or carried out except consistently with and according to the approved budget.

(Ord. 1975-1, §4)

Sec. 11-4005. - TRANSPORTATION DEPARTMENT TO STAFF.

The *City* Department of Transportation *shall* serve as staff to the authority to assist in its duties, and the director of transportation or his designee *shall* serve as the director of transit for the authority.

(Ord. 1975-1, §5)

Sec. 11-4006. - TRANSIT DIRECTOR'S DUTIES.

The director of transit *shall* have the *following* duties:

- (a) To ensure that the desires, actions, and policies of the authority are converted into appropriate transit services for the area and to administer such policies and actions of the authority in conformance with general administrative policies of the *City* as determined by the *City* Manager.
- (b) To direct the implementation of such services.
- (c) To oversee transit operations for the authority and report and interpret to the authority on current and planned operating results or implications.
- (d) To develop budgets and standards of transit operation for the authority's approval.
- (e) To ensure to the authority the timely implementation of the transit development program; make recommendations to the authority for additional service improvements.
- (f) To testify at regulatory hearings pertaining to all phases of transit activities and/or needs.
- (g) To monitor transit marketing effectiveness and to administer transit planning coordination.

(Ord. 1975-1, §6)

Secs. 11-4007 — 11-4020. - RESERVED.

ARTICLE B. - GENERAL PROVISIONS

(RESERVED)

CHAPTER 5. - PRIVATE BUS SERVICE

[Sec. 11-5001. - SHORT TITLE.](#)

[Sec. 11-5002. - BUS SERVICE DEFINED.](#)

[Sec. 11-5003. - COMPLIANCE WITH CHAPTER.](#)

[Sec. 11-5004. - APPLICATION FOR BUS SERVICE PERMIT.](#)

[Sec. 11-5005. - APPLICATION FEE.](#)

[Sec. 11-5006. - PUBLIC HEARING ON APPLICATION.](#)

[Sec. 11-5007. - DETERMINATION BY CITY COUNCIL AS TO GRANTING OF PERMIT.](#)

[Sec. 11-5008. - TERMS AND CONDITIONS OF PERMIT.](#)

[Sec. 11-5009. - VEHICLE DISPLAY REQUIREMENTS.](#)

[Sec. 11-5010. - CHANGE IN PERMIT.](#)

[Sec. 11-5011. - REVOCATION OF PERMIT.](#)

[Sec. 11-5012. - PREEXISTING ACTIVITIES.](#)

Sec. 11-5001. - SHORT TITLE.

This chapter *shall* be known and *may* be cited as "The Bus Service Control Ordinance of the City of Raleigh."

(Ord. No. 1982-992, §1, 10-5-82)

Sec. 11-5002. - BUS SERVICE DEFINED.

Bus service is defined to be public transportation offered to the public for compensation by motor vehicle with a capacity greater than nine (9) passengers, operated along fixed routes, with fixed schedules, or between fixed termini.

(Ord. No. 1982-992, §1, 10-5-82)

Sec. 11-5003. - COMPLIANCE WITH CHAPTER.

It *shall* be unlawful for any *person*, business or other entity to provide bus service as herein defined within the corporate limits of the *City* unless such *person* has complied with and *shall* continue to comply with the provisions of this chapter; provided, however, this chapter *shall* not apply to any bus service operated as follows:

- (a) Private transit service provided pursuant to contract to a group of more than eight (8) patrons none of whom pay fares when boarding or unboarding or who use prepurchased passes.
- (b) Between fixed termini only one (1) of which is within the corporate limits of the *City* and no single passenger trip is within the corporate limits of the *City*.
- (c) Contracted transportation of a group of passengers (charter) from a single trip origin to a single trip destination with no boarding or discharging of passengers between the single origin and destination.
- (d) Passing through the entire *City* without picking up or discharging any passengers within the corporate limits of the *City*.
- (e) For the exclusive purpose of providing transportation to the clientele of public or private, nonprofit human service *agencies* or to public or private schools.
- (f) Transportation by motor vehicles owned or operated by or on behalf of hotels or motels while used exclusively for the transportation of hotel or motel patronage between hotels and motels and local railroad or other common carrier stations.
- (g) Transportation of passengers to and from airports and passenger airline terminals when such transportation is incidental to transportation by aircraft.
- (h) Transportation by motor vehicles used exclusively for the transportation of passengers to or from religious services or transportation of pupils and employees to and from private or parochial schools or transportation to and from functions for students and employees of private or parochial schools.
- (i) Transportation of any bona fide employees to and from their place(s) of regular employment by employer.

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(j) Operations pursuant to Article A, Chapter 4, of the Raleigh *City Code*.

(Ord. No. 1982-992, §1, 10-5-82)

Sec. 11-5004. - APPLICATION FOR BUS SERVICE PERMIT.

Except as otherwise provided in §11-5003, no *person shall* operate a bus service in the *City* unless such *person shall* in width have applied to and obtained from the *City Council* a bus service permit authorizing such operation. Application for a bus service permit *shall* be made *in writing* to the *City Clerk*, on forms furnished by the *City Clerk* and *shall* set forth the *following* information:

- (a) The name, age, *residence* and business address of the applicant if he is an individual, or if the applicant is a corporation, the address of the principal office of the corporation and the name and address of the *officers* and directors of the corporation.
- (b) A current balance sheet showing in detail the applicant's assets, liabilities and net worth.
- (c) A list of the number, age, body type and seating capacity of vehicles the applicant proposes to use in the business.
- (d) The *streets* over which, and the fixed termini and regular routes between which and over which, the applicant proposes to operate.
- (e) A schedule of operation showing the time of arrival and departure from terminal and intermediate points and days of service.
- (f) A schedule of rates and charges showing the fares to be charged between the several points or localities to be served.
- (g) A statement showing how the granting of the permit will serve the public convenience and necessity.
- (h) Location and description of maintenance garaging and/or parking facilities for all buses.
- (i) Such other information as the *City Council may* require.

The application *shall* be verified as to the truth of the statements therein contained by the *oath* of the *person* making such application if he is an individual, by one (1) of the partners if the applicant is a partnership, and by an *officer* of the company if the applicant is a corporation.

(Ord. No. 1982-992, §1, 10-5-82)

Sec. 11-5005. - APPLICATION FEE.

Each application for a bus service permit *shall* be accompanied by a nonrefundable certified check payable to the *City* in the amount of one hundred fifty dollars (\$150.00).

(Ord. No. 1982-992, §1, 10-5-82)

Sec. 11-5006. - PUBLIC HEARING ON APPLICATION.

Upon the filing of an application for a bus service permit under the provisions of this chapter, the *City Council shall* fix a time and place for a hearing on such application. A notice of date and place of the

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public hearing *shall* be published at least once in a newspaper of general circulation in the *City* at least ten (10) days prior to the date of the public hearing. A public hearing upon the application *shall* be held by the *City Council* at the time specified in the notice.

(Ord. No. 1982-992, §1, 10-5-82)

Sec. 11-5007. - DETERMINATION BY CITY COUNCIL AS TO GRANTING OF PERMIT.

In the determination of applications for bus service permits under this chapter, the *City Council shall* give due consideration to:

- (a) Whether public convenience and necessity require the proposed service.
- (b) Whether the applicant is fit, willing and able to properly perform the proposed service.
- (c) Whether the applicant is solvent and financially able to furnish adequate service on a continuing basis.

The *City Council may* issue the permit as applied for, or *may* issue it with modifications, or *may* refuse to issue it based on the considerations stated herein.

(Ord. No. 1982-992, §1, 10-5-82)

Sec. 11-5008. - TERMS AND CONDITIONS OF PERMIT.

Each bus service permit issued under authority of this chapter *shall be in writing* and *shall* show the *following*:

- (a) The name of the grantee.
- (b) Designation of the route or routes over which the grantee *shall* operate; the terminal, intermediate and off-route points of service; complete schedule and fares to be charged.
- (c) Designation of insurance to be carried by the grantee.
- (d) Frequency and type of vehicle inspections to be performed on buses.
- (e) General description of the size and type of buses authorized to be used by the grantee.
- (f) The term of the permit which *shall* not exceed three (3) *years* from the date of *Council* approval and which *shall* be subject to renewal by the *City Council* upon expiration.

(Ord. No. 1982-992, §1, 10-5-82)

Sec. 11-5009. - VEHICLE DISPLAY REQUIREMENTS.

In order to enhance the safety and welfare of the passengers using private bus service, all operations of such private vehicles *shall* conform, notwithstanding the provisions of §11-5003 and to the extent not prohibited by state or Federal law, to the *following* requirements, and each vehicle must:

- (a) Obtain and display on the vehicle the North Carolina Utilities Commission certification authorizing its operation or, if exempt from commission regulation, the exemption number.

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- (b) Require all drivers of such vehicles to have in their possession a valid Class B operator's license issued by the North Carolina Department of Motor Vehicles.
- (c) Display a valid North Carolina commercial license plate.
- (d) Carry a valid North Carolina motor vehicle registration in the vehicle.
- (e) Display in the vehicle a certificate of insurance representing that it is covered by at least the minimum insurance requirements mandated by the North Carolina Utilities Commission.
- (f) Assure that each vehicle is equipped with an appropriate fire extinguisher.

(Ord. No. 1988-198, §2, 6-21-88)

Sec. 11-5010. - CHANGE IN PERMIT.

After the issuance of a bus service permit as provided in this chapter, such permit *may* thereafter be amended, changed or modified upon application of the grantee; provided that the procedure in all such cases as to notice and public hearing *shall* be the same as provided in this chapter for the issuance of a permit.

(Ord. No. 1982-992, §1, 10-5-82; Ord. No. 1988-198, §1, 6-21-88)

Editor's note: Sections 11-5010—11-5012, formerly numbered as §§11-5009—11-5011, were renumbered by §1 of Ord. No. 1988-198, adopted June 21, 1988.

Sec. 11-5011. - REVOCATION OF PERMIT.

Any bus service permit issued under the provisions of this chapter *may* be revoked either in whole or in part by the *year*; provided that the Permit Holder *shall* be given at least fifteen (15) days' actual notice of hearing on any proposed revocation and an opportunity to be heard; provided further that the procedure in all such cases as to notice and public hearing *shall* be the same as provided in this chapter for the issuance of a permit.

(Ord. No. 1982-992, §1, 10-5-82; Ord. No. 1988-198, §1, 6-21-88)

Note See the editor's note to §11-5010

Sec. 11-5012. - PREEXISTING ACTIVITIES.

Any *person*, business or entity operating a contractual motor bus service prior to enactment of this chapter *shall* not be required to comply with the provisions of this chapter in providing such contractual service during the term of the contract existing at the time of the enactment of this chapter.

(Ord. No. 1982-992, §1, 10-5-82; Ord. No. 1988-198, §1, 6-21-88)

Note: See the editor's note to §11-5010

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⁽³⁶⁾ Editor's note: Chapter 6 was created by renumbering §§7-2001—7-2008, pursuant to Ord. No. 1998-454, §10, adopted Nov. 4, 1998. Prior to amendment by that ordinance, §§7-2001—7-2008 derived from Code 1959, §18-3, 19-22, 19-28, 19-27, 19-30—19-32; Ord. No. 1983-98, §1, adopted Apr. 19, 1983; Ord. No. 1983-245-TC-205, §6, adopted Dec. 6, 1983; Ord. No. 1985-613, §5, adopted July 16, 1985; Ord. No. 1985-639A, §§1—5, adopted Sept. 17, 1985; Ord. No. 1986-735, §3, adopted Feb. 18, 1986; Ord. No. 1987-25, §1, adopted Aug. 4, 1987; Ord. No. 1995-760-TC-122, §12, TC-20C-95, adopted Nov. 21, 1995; Ord. No. 1988-128, §1, adopted Feb. 16, 1988; and Ord. No. 1998-361, §§1—6, adopted June 6, 11, 1998. Prior to amendment by Ord. No. 1998-454, sections 7-2002 and 7-2004, as amended by 1983-245-TC-205, adopted Dec. 6, 1983, were transferred by §57 of that ordinance to become Ch. 7 of Part 10. Section 7-2003 has been transferred by §9 to §12-1037.1. Sections 7-2005—7-2010 were renumbered 7-2002—7-2007 by §58. The editor's footnote to Part 7 should also be consulted.

[Sec. 11-6001. - PERMIT AND REGULATIONS FOR WORKING IN, UPON, OVER, UNDER OR ADJACENT TO THE STREETS AND SIDEWALKS.](#)

[Sec. 11-6002. - INDEMNITY BOND.](#)

[Sec. 11-6003. - POLES, WIRES, EQUIPMENT; REMOVAL AND RELOCATION.](#)

[Sec. 11-6004. - HEIGHT OF OVERHEAD WIRES.](#)

[Sec. 11-6005. - NOT TO OBSTRUCT STREETS.](#)

[Sec. 11-6006. - REPAIR OF SIDEWALK AFTER REMOVAL.](#)

[Sec. 11-6007. - PAVING AT GRADE CROSSINGS AND BRIDGES.](#)

[Sec. 11-6008. - CITY RESPONSIBILITY FOR SIDEWALK REPAIR AND/OR REPLACEMENT OF SIDEWALKS RAISED, BROKEN, ETC.](#)

Sec. 11-6001. - PERMIT AND REGULATIONS FOR WORKING IN, UPON, OVER, UNDER OR ADJACENT TO THE STREETS AND SIDEWALKS.

(a) Prohibitions where no certificate of eligibility issued.

Unless and until a *written* certificate of eligibility to receive permits *shall* have been issued pursuant to the provisions of this section by the Director of Transportation, or by an authorized employee in the Department of Transportation, either in the form of an annual certificate or a specific certificate covering a particular project:

(1) No *person shall* make any excavation or opening or dig any ditch, trench, tunnel or hole in, along, across or under any *street*, sidewalk or other public place for the purpose of laying or placing therein any pipe, wires, pole or for any other purposes.

(2) No *person shall* grade, construct, pave or otherwise improve or repair or undertake the grading, construction, paving, improvement or repair of any *street* or sidewalk or other public place, including the construction, extension, paving or repair of any driveway which extends over or within the boundaries of any *street*, sidewalk or *street* right-of-way.

Cross reference: Driveway Access, Sidewalks, and Streets, Part 10, ch. 7.

(3) No *person shall* engage in any work or activity which *shall* in any way obstruct or tend to obstruct any *street*, sidewalk or other public place except those operating according to a valid permit issued pursuant to this Code.

(4) No *person shall* engage in the erection, construction, repair, demolition, renovation, maintenance or any other work or activity in or upon, over, under or adjacent to or within five (5) feet horizontally of any *street*, sidewalk or other public *property* within the *City* outside of any permanent building.

(b) Liability insurance and performance bond.

(1) In order to provide for the general welfare and safety of the citizens and their *property*, no such certificate as is required by subsection (a) *shall* be issued unless and until, and as a prerequisite of the issuance of any such certificate, such *person shall* file with and keep on file with the Director of Transportation or his duly authorized representative a certificate of insurance denoting that a standard public liability policy has been issued and executed by a company authorized to write such insurance business in the State of North Carolina. The policy *shall* insure such *person* and the *City*, separately as to each insured except with respect to the limits of the insurer's liability; against liability to *persons* for bodily injuries to the extent of at least five hundred thousand dollars (\$500,000.00) for bodily injuries or death sustained by one *person* and to the extent of at least one million dollars (\$1,000,000.00) for bodily injury or death sustained by more than one *person* in a single accident or occurrence and against liability for *property* damage to the extent of at least five hundred thousand dollars (\$500,000.00) which *may* be sustained as a result of a single accident or occurrence as a result of any work referred to herein. The certificate of insurance provided for herein *shall* indicate that coverage is provided for the operations of the *person* and his subcontractors, completed operations of the contractor where the work is not to be performed for the *City*. The certificate *shall* further provide that cancellation or material change in the insurance coverage cannot be accomplished until fifteen (15) days' *written* notice thereof *shall* have been given by the insurance company to the certificate holder. Copies of any limiting or restrictive endorsements attached to the basic policy *shall* also be attached to the certificate. The certificate *may* limit the coverage applying to the *City* to those jobs or projects for which the Director of Transportation or any authorized agent has issued a permit. If the work for which the permit is issued has unusual exposures in that there is a danger of collapse, underground *property* damage, or explosion to be determined by the Director of Transportation or his duly authorized agent, the contractor will be required to denote the same on his request for a permit and will be required to obtain insurance insuring both the contractor and the *City* against those specific hazards and the certificate of insurance *shall* indicate such coverage. As a condition of the issuance of the certificate, provided for in subsection (a) herein, both the *person* obtaining the certificate and the insurance company agree that upon request they will furnish to the *City* a copy of the policy of insurance as it pertains to the insured interest of the *City*. Any public utility company subject to the jurisdiction of the North Carolina Public Utilities Commission which is engaged in the *City* in any of the activities referred to in this chapter, and which is a self-insurer of its public liability, in whole or in part, *may* file with the *City* a certificate of liability, in whole or in part, approved by the *City* Attorney in lieu of the liability insurance policy required by this section.

(2) As a further condition of the issuance of such certificate, the *person* desiring to work in the public *streets* as provided in this section *shall* file with the Director of Transportation or his duly authorized agent, a bond in the amount of not less than five thousand dollars (\$5,000.00) or in such additional amount as the Director of Transportation or his duly authorized agent *may* prescribe to guarantee the performance of the work in conformity with the requirements of this chapter but the liability of such *person shall* not be limited to the penalty of the bond. If the work is not performed in conformity with the requirements of this chapter, the cost of making such work conform *shall* be a charge against the permit or certificate holder and his performance bond. The performance bond *shall* not be required where the work to be done is strictly maintenance work not involving any type of construction nor *shall* it be required of the utility companies referred to above.

(c) Fees.

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No such certificate as required by subsection (a) *shall* be issued until and unless the *following* fees *shall* have been paid in full to the *City*, which are hereby found to be reasonable and necessary to cover the cost and expense of issuing the certificates, examining and approving the insurance policies required by this section, the cost of inspecting the work for conformance to the conditions of the permit to work on public ways, and other things incidental to the issuance of such certificates and permits:

(1) For annual certificate, to be in force and effect for any and all purposes set forth in subsection (a) for a period of twelve (12) *months* from and after the date of issuance, expiring at 12:00 noon, on the anniversary date \$10.00

(2) For a specific certificate, to authorize the issuance of a permit for a particular project at a particular place, to be in effect for a period not exceeding ten (10) days from and after the date of issuance (expiring at 12:00 noon on the tenth day after the date of issuance) 1.00

(3) A permit to work on public ways will be required for each work site specifying the general and special provisions under which the work *shall* be performed.

The permit to work on public ways *shall* be valid for a period not to exceed thirty (30) days and subject to a fee of fifty dollars (\$50.00).

(d) Other licensing provisions not modified.

Nothing in this section *shall* in any way modify, repeal or dispense with the requirements of the plumbing code of the *City*, the electrical code of the *City* or the building code of the *City*, or of any other ordinance or law, as now existing or hereafter adopted, prescribing permits or licenses and fees and charges therefor as prerequisite to the doing of any of the work or activities set forth in subsection (a) of this section; but the procurement of the certificate prescribed by this section *shall* be a basic preliminary requirement which must be complied with in order to make any applicant eligible for permits when the work or activities are to be done, or performed in, upon, over or immediately adjacent to any *street*, sidewalk or other public place within the *City*.

(e) Refilling excavations; liability for injuries; indemnifying the *City*.

(1) Whenever any *person shall* make any excavation or opening of any *street* or sidewalk or other public place in the *City* for the purpose of laying pipe, wires or other apparatus, or for any other purpose, it *shall* be the duty of such *person* making such excavation or opening to refill such excavation or opening on completion of the purposes for which the excavation or opening was made so as to restore it to essentially the same condition that existed prior to the excavation or opening and such refilling *shall* be done in accordance with the standards and specifications issued by the Director of Transportation or his duly authorized representative.

(2) Any *person* obtaining the certificate and permit provided for in subsection (a) herein agrees, as a condition of the issuance of said certificate and permit, to indemnify and hold harmless the *City*, its *officers*, councilmen, and employees from any claims or expenses, including attorney's fees for bodily injury or *property* damage for accidents or occurrences arising out of the *person's* operations, excluding only the liability of the *City* for its sole negligence except in connection with general supervision of work performed by said *person*.

(f) Protecting public from injury.

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Whenever any *person shall* do or undertake to do any of the things set forth in subsection (a) for which a permit is required, it *shall* be the duty of such *person* to use due and reasonable care to protect from harm and damage all *persons* or *property* who or which *may* be using any *street*, sidewalk or other public place where such activity is in progress, and to that end such *person shall* erect and maintain suitable barricades, signs, lights, flares, and other appropriate means of protection and other appropriate warning devices at, near, or around the place or places where such work or activity is in progress.

(g) Definition.

Street *shall* mean and include all of the area between the boundary lines of any right-of-way granted, conveyed, dedicated or otherwise established for public use within the *City*.

(h) Certificate covers agents, etc.

When any certificate or permit required by subsection (a) *shall* have been lawfully obtained pursuant to the provisions of this section by the *person* responsible for the work or project for which the certificate or permit is issued (either as contractor, subcontractor, *property owner*, or in any other capacity as a principal responsible for such work), the certificate, so long as it continues in force and effect, *shall* cover the agents, servants, and employees of such responsible *person*.

(i) Penalty for violation or working without a permit.

(1) Any *person* who performs work without a required permit once in a twelve-month period, then for the first violation, the *person shall* pay both the permit fee and a civil penalty in the amount of one hundred dollars (\$100.00).

(2) If a *person* performs work without a required permit twice in a twelve-month period, then for the second violation, the *person shall* pay both the amount specified in subsection (i)(1) and a civil penalty in the amount of two hundred dollars (\$200.00).

(3) If a *person* performs work without a required permit three (3) or more times in a twelve-month period, then for the third violation, the *person shall* pay both the amount specified in subsection (1) and (2) and a civil penalty in the amount of five hundred dollars (\$500.00), and for each subsequent violation the penalty will be in the amount of five hundred dollars (\$500.00), up to the fifth violation.

(4) After the fifth violation in a twelve-month period, privilege and right of the *person* to work in any public street, sidewalk, or street right-of-way *shall* be suspended for a period of twelve (12) months from the date of the sixth violation.

(Ord. No. 1998-454, §10, 11-4-98; Ord. No. 1998-460, §1, 12-1-98; Ord. No. 2006-83, §1, 9-5-06; Ord. No. 2009-641, §1, 9-1-09)

Cross references: Building and housing code enforcement, Part 10, Ch. 6; *street* obstructions and encroachments, Part 12, Ch. 1, Art. A; *City Council* approval required for private use of public rights-of-way or sidewalks, §12-1022

State law references: Authority to regulate, license and prohibit digging in *streets* and sidewalks, G.S. 160A-296; curb cut regulations, G.S. 160A-307; widening, extending and paving *streets*, G.S. 160A-296(3).

Sec. 11-6002. - INDEMNITY BOND.

As a condition of the issuance of a permit for construction of and improvements to sidewalks, curbs,

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gutters and portions of driveways and drains within public rights-of-way (in addition to the other requirements of this Code, when such work is to be done either by a *person* employed by the *owner* of the *property* abutting the improvement, or by the *City* under contract, upon failure of such *owner* to do the required work, after notice), the *person* making the improvements *shall* be required to enter into a continuing indemnity bond with sufficient surety, upon condition that such work will be done in conformity with the standards established by the *City* and that the *City* will be indemnified for any damages it might sustain as a result of the breach of such condition. The damages payable to the *City* *shall* be the amount required to make such improvements conform to such *City* standards. The penalty of the bond *shall* be five thousand dollars (\$5,000.00), but the amount of damages recoverable by the *City* from the *person* failing to perform the work in conformity with the *City* standards *shall* not be limited to the penalty of the bond.

(Ord. No. 1998-454, §10, 11-4-98)

Charter references: Authority for exemptions from special assessments, §2.14(71); *street* improvements without petition, §6.44(a).

Cross reference: Street and sidewalk improvements, Part 6, Ch. 2.

State law reference: Authority and procedures for special assessments, G.S. 160A-216 et seq.

Sec. 11-6003. - POLES, WIRES, EQUIPMENT; REMOVAL AND RELOCATION.

It *shall* be the duty of every *person* or firm operating a telephone, telegraph or electric lighting or power system within the corporate limits of the *City* within ten (10) days after notification *in writing* by the Transportation Director, to remove and relocate any cross-arm, pole or standard used in connection with the system; or, upon such ten (10) days' notice *in writing* by such Chief Engineer, to remove and relocate any cable, wire or wires, which, in the opinion of such Transportation Director are in dangerous proximity to any high-tension wire or any low voltage electric light or power wire, or when the removal and relocation of such cross-arms, poles, standards, cables or wires is required by the public interest.

(Ord. No. 1998-454, §10, 11-4-98)

Cross reference: Chief Engineer, §6-1001

Sec. 11-6004. - HEIGHT OF OVERHEAD WIRES.

All overhead cables or wires crossing any *street* at a *street* intersection or otherwise *shall* in all instances be at least fifteen (15) feet above the *street*, and it *shall* be the duty of every *person*, firm or corporation, upon ten (10) days' notice by the Transportation Director, to raise such cable or wires to the required height; provided, however, traffic signals under which vehicles must pass *shall* be no less than thirteen and one-half (1/2) feet above the *street* beneath it.

(Ord. No. 1998-454, §10, 11-4-98)

Sec. 11-6005. - NOT TO OBSTRUCT STREETS.

(a) No poles, posts or obstructions of like nature *shall* be permitted to stand in the traveled portion of the *streets* or gutters of the *City*. All *persons* who have erected or constructed any poles or fixtures in the *City*, as herein provided or embraced, or who *may* hereafter erect or construct them and have ceased to use them or any of them for the purpose originally intended or who *may* hereafter cease to use them, all *persons* owning or using any pole which is obstructing any *street*, gutter, alley, sidewalk or any other public passageway, or which is rotten or unsafe, or which is not necessary for the proper

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conducting of wires, are hereby required to take down and remove such poles, wires and fixtures.

(b) Whenever the Director of Transportation *shall* find that any pole, wire or fixture is maintained in violation hereof, he *shall* order its removal, and it *shall* be the duty of such *persons* to make such removal within five (5) days after such notice. Each day violation continues constitutes a separate offense. Nothing herein *shall* be so construed as to abridge the power or authority of the

City to forthwith cause the removal of any pole, wire or fixture where the same is imminently dangerous to life and *property*.

(Ord. No. 1998-454, §10, 11-4-98)

Sec. 11-6006. - REPAIR OF SIDEWALK AFTER REMOVAL.

In removing poles, the *owner* or *owners shall* fill in the hole after removal with sand, crushed stone or other suitable material to the ground level, in accordance with requirements of the Transportation Director.

(Ord. No. 1998-454, §10, 11-4-98)

Cross reference: Repair of sidewalks and driveways by *property owners*, §12-1037.1

Sec. 11-6007. - PAVING AT GRADE CROSSINGS AND BRIDGES.

(a) All railroad companies whose tracks cross any of the *streets* of the *City shall* improve such crossing by placing treated timbers on each side of the rails level with the top of the rails and paving between the timbers and to a point at least eighteen (18) inches outside of the rails with an asphalt mix. Where sidewalks are provided on the *streets* crossed by a railroad track, the sidewalks *shall* be extended across the tracks using treated timbers between the rails and to a point at least eighteen (18) inches outside of the rails. Such sidewalks *shall* be a minimum of five (5) feet in width.

(b) All such crossings and bridge surfaces *shall* be maintained in a safe and smooth condition. When, in the opinion of the Director of Transportation, a crossing or bridge surface is not properly constructed or maintained, and upon *written* notice from him, the railroad company *shall* immediately make the repairs or alterations necessary in a manner satisfactory to the Director of Transportation.

(Ord. No. 1998-454, §10, 11-4-98)

Charter reference: Authority to regulate railroad track construction, §2.14(6).

State law reference: Authority to regulate railroad crossings, G.S. 160A-298.

Sec. 11-6008. - CITY RESPONSIBILITY FOR SIDEWALK REPAIR AND/OR REPLACEMENT OF SIDEWALKS RAISED, BROKEN, ETC.

(a) Private *properties* will be relieved from the responsibility of sidewalk repair and replacement of sidewalks raised, broken or otherwise made uneven by tree trunks located in whole or in part in the public right-of-way under the *following* conditions:

(1) The *City* receives either *written* notice or finds that conditions described in the above paragraph exist; and

(2) The *City* determines that the raised, broken, or uneven sidewalk was caused by tree trunks

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located in the right-of-way or by the roots of said tree; and

(3) The *property owners* of tree trunks located partially in the right-of-way, including the roots of said trees, consent to repair or replacement of the sidewalk and the *property owners* hold the *City*, its officials, its employees and its contracts harmless for any damage caused to the tree.

(b) In all cases, the Urban Forester *shall* advise the repair crew (*City* or contractor) as to proper care of the trees and determine if the tree *shall* be removed or its roots cut and removed. However, the timing of these repairs will be determined within the sole discretion of the *City* which *shall* be guided in its determinations, among other factors, upon the extent of the offset or damage to the sidewalk, the nature of the character of the sidewalk, its location, the amount of travel over it by pedestrians, and the extent to which the present conditions of the sidewalk would ordinarily be seen or observed by pedestrians. All other sidewalk repairs, maintenance, and replacement *shall* remain in full force as set forth in §12-1037.1 of this Code.

(c) This provision *shall* in no way enlarge the common law duty of the *City* to make repairs to sidewalks.

(d) The sidewalk construction standards imposed by this Code *may* be waived by the *City* Manager or the *City* Manager's designee for the purpose of sidewalk repairs performed under §11-6008 provided that:

(1) Repairs performed according to *City* standards would destroy, or would be likely to destroy, a healthy mature tree.

(2) The repairs will provide a sidewalk that is safe for use by both handicapped and nonhandicapped individuals.

(3) The repairs *may* reasonably be assumed to last for at least seven (7) years.

If conditions (2) and (3) above, cannot be met without the likelihood of serious harm to the tree, the tree will be removed and the sidewalk will be repaired to *City* standards.

(Ord. No. 1998-454, §10, 11-4-98; Ord. No. 2002-149-TC-212, §6, TC-12-01, 1-15-02)