

TITLE VII: TRAFFIC CODE

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GENERAL PROVISIONS

§ 70.01 DEFINITIONS.

For the purpose of this Title VII, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLEY. A thoroughfare through the middle of a block.

AUTHORIZED EMERGENCY VEHICLE. Vehicles of the Fire Department, police vehicles and the ambulances and emergency vehicles of municipal departments or public service corporations, as are designated or authorized by the Chief of Police.

BICYCLE. Every device propelled by human power upon which any person may ride, having two tandem wheels either of which is over 20 inches in diameter.

BUSINESS DISTRICT. The territory contiguous to and including a highway when, within any 600 feet along the highway, there are buildings in use for business or industrial purposes, including but not limited to hotels, banks or office buildings, railroad stations and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

COMMERCIAL MOTOR VEHICLE. A motor vehicle designed or used to transport passengers or property:

(1) If the vehicle has a gross vehicle weight rating of 26,001 or more pounds or a lesser rating as determined by federal or state regulation;

(2) If the vehicle is designed to transport 16 or more passengers, including the driver; or

(3) If the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. pt. 172, Subpart F.
(G.S. § 20-4.01(3d))

CONTROLLED-ACCESS HIGHWAY. Every highway, street or roadway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at the points only and in the manner as may be determined by the public authority having jurisdiction over the highway, street or roadway.

CROSSWALK.

(1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway.

(2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

CURB LOADING ZONE. A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

DRIVER. The operator of a vehicle, as defined in G.S. § 20-4.01(25). The terms **DRIVER** and **OPERATOR** and their cognates are synonymous.
(G.S. § 20-4.01(7))

FREIGHT CURB LOADING ZONE. A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight or passengers.

INTERSECTION.

(1) The area embraced within the prolongation of the lateral curb lines, or, if any, then the lateral edge of roadway lines of the two or more highways which join one another at any angle whether or not one highway crosses the other.

(2) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of the divided highway by an intersecting highway, shall be regarded as a separate intersection. In the event the intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of the highways shall be regarded as a separate intersection.
(G.S. § 20-4.01(16))

LANED ROADWAY. A roadway which is divided into two or more clearly marked lanes for vehicular traffic.

MOTOR VEHICLE. Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds as defined in G.S. § 20-4.01(27)d1.
(G.S. § 20-4.01(23))

MOTORCYCLE. A type of passenger vehicle as defined in G.S. § 20-4.01(27).
(G.S. § 20-4.01(22))

OFFICIAL STANDARD TIME. Whenever certain hours are named herein they shall mean standard time or daylight saving time as may be in current use in the town.

OFFICIAL TRAFFIC-CONTROL DEVICES. All signs, signals, markings and devices not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

PARK. When prohibited means the standing of a vehicle whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

PASSENGER CURB LOADING ZONE. A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

PEDESTRIAN. Any person afoot.

PERSON. Every individual, firm, partnership, association, corporation, governmental agency or combination thereof of whatsoever form or character.
(G.S. § 20-4.01(28))

POLICE OFFICER. Every officer of the municipal Police Department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

PRIVATE ROAD or DRIVEWAY. Every road or driveway not open to the use of the public as a matter of right for the purpose of vehicular traffic.
(G.S. § 20-4.01(30))

RAILROAD. A carrier of persons or property upon cars, operated upon stationary rails.

RAILROAD TRAIN. A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

RESIDENCE DISTRICT. The territory contiguous to, and including a highway not comprising a business district when the property on the highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.

RIGHT-OF-WAY. The privilege of the immediate use of the roadway.

ROADWAY. That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes two or more separate roadways, the term **ROADWAY**, as used herein, shall refer to any roadway separately but not to all the roadways collectively.
(G.S. § 20-4.01(38))

SAFETY ZONE. Traffic island or other space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.
(G.S. § 20-4.01(39))

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

STOP. When required, means complete cessation of movement.

STOP, STOPPING or STANDING. When prohibited, means any stopping or standing of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

STREET or HIGHWAY. A **HIGHWAY**, as defined in G.S. § 20-4.01(13). The terms **HIGHWAY** and **STREET** and their cognates are synonymous.
(G.S. § 20-4.01(46))

THROUGH HIGHWAY. Every street, highway or portion thereof at the entrances to which vehicular traffic from intersecting streets or highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this title.

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

TRAFFIC DIVISION. The **TRAFFIC DIVISION** of the Police Department of the town, or in the event a **TRAFFIC DIVISION** is not established, then the term whenever, used herein, shall be deemed to refer to the Police Department of the town.

TRAFFIC-CONTROL SIGNAL. Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

VEHICLE. Every 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 purpose of this title bicycles shall be deemed **VEHICLES** and every rider of a bicycle upon a highway shall be subject to the provisions of this title applicable to the driver of a vehicle except those which by their nature can have no application. This term shall not include a device which is designed for and intended to be used as a means of transportation for a person with a mobility impairment, is suitable for use both inside and outside a building and whose maximum speed does not exceed 12 mph when the device is being operated by a person with a mobility impairment.

(G.S. § 20-4.01(49))

(1990 Code, § 70.01)

§ 70.02 APPLICATION OF REGULATIONS TO PUBLIC EMPLOYEES.

The provisions of this title shall apply to the driver of any vehicle owned by or used in the service of the United States government, this state, county or town. It shall be unlawful for any driver to violate any of the provisions of this title, except as otherwise permitted in this title or by state statute.

(1990 Code, § 70.02) Penalty, see § 70.99

§ 70.03 EXCEPTIONS TO RIGHT-OF-WAY; AUTHORIZED EMERGENCY VEHICLES.

(A) The driver of a vehicle about to enter or cross a highway from an alley, building entrance, private road or driveway shall yield the right-of-way to all vehicles approaching on the highway to be entered.

(B) (1) The driver of a vehicle upon the highway shall yield the right-of-way to:

(a) Police and Fire Department vehicles and public and private ambulances;

(b) Vehicles used by an organ procurement organization or agency for the recovery or transportation of human tissues and organs for transplantation, or a vehicle operated by a transplant coordinator who is an employee of an organ procurement organization or agency when the transplant coordinator is responding to a call to recover or transport human tissues or organs for transplantation; and

(c) To rescue squad emergency service vehicles and vehicles operated by County Fire Marshals and civil preparedness coordinators when the operators of the vehicles are giving a warning signal by appropriate light and by bell, siren or exhaust whistle audible under normal conditions from a distance not less than 1,000 feet.

(2) When appropriate warning signals are being given, as provided in this division, an emergency vehicle may proceed through an intersection or other place when the emergency vehicle is facing a stop sign, a yield sign or a traffic light which is emitting a flashing strobe signal or a beam of steady or flashing red light.

(3) This provision shall not operate to relieve the driver of a Police or Fire Department vehicle, public or private ambulance, vehicles used by an organ procurement organization or agency for the recovery or transportation of human tissues and organs for transplantation, a vehicle operated by a transplant coordinator who is an employee of an organ procurement organization or agency when the transplant coordinator is responding to a call to recover or transport human tissues or organs for transplantation, or rescue squad emergency service vehicle, County Fire Marshals or civil preparedness coordinators from the duty to drive with due regard for the safety of all persons using the highway, nor shall it protect the driver of any vehicle, County Fire Marshal or civil preparedness coordinator from the consequence of any arbitrary exercise of the right-of-way.

(G.S. § 20-156)

(1990 Code, § 70.03)

§ 70.04 APPLICATION TO PERSONS PROPELLING PUSH CARTS OR RIDING BICYCLES OR ANIMALS.

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

(1990 Code, § 70.04)

§ 70.05 OBEDIENCE TO POLICE REQUIRED.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or Fire Department official.
(1990 Code, § 70.05) Penalty, see § 70.99

§ 70.06 AUTHORITY OF POLICE IN EMERGENCIES.

(A) It shall be the duty of the officers of the Police Department, or the officers as are assigned by the Chief of Police, to enforce all street traffic laws and all of the state vehicle laws applicable to street traffic.

(B) Officers of the Police Department or the officers as are assigned by the Chief of Police are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws, provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

(C) Officers of the Fire Department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.
(1990 Code, § 70.06)

TRAFFIC-CONTROL DEVICES

§ 70.15 OBEDIENCE REQUIRED; WHEN SIGNS REQUIRED FOR ENFORCEMENT.

(A) The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the traffic ordinances, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this title.

(B) No provision of this title for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, the section shall be effective even though no signs are erected or in place.
(1990 Code, § 70.15) Penalty, see § 70.99

§ 70.16 AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES.

The town shall place and maintain traffic-control signs, signals and devices when and as required under the traffic ordinances to make effective the provisions of the ordinances, and may place and maintain the additional traffic-control devices to regulate traffic under the traffic ordinances of the town or under state law, or to guide or warn traffic.
(1990 Code, § 70.16)

§ 70.17 SPECIFICATIONS FOR TRAFFIC-CONTROL DEVICES.

(A) All traffic-control signs, signals and devices shall conform to state regulations.

(B) All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location.

(C) All traffic-control devices so erected and not inconsistent with the provisions of state law or this title shall be official traffic-control devices.

(1990 Code, § 70.17) Penalty, see § 70.99

§ 70.18 TRAFFIC-CONTROL SIGNAL LEGEND.

Whenever traffic is controlled by traffic-control signals exhibiting the words “Go”, “Caution” or “Stop,” or exhibiting different colored lights successively one at a time, or with arrows, the following colors only shall be used and the terms and light shall indicate and apply to drivers of vehicles and pedestrians as follows.

(A) *Green alone or “Go.”*

(1) Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at the place prohibits either the turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.

(2) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(B) *Yellow alone or “Caution” when shown following the green or “Go” signal.*

(1) Vehicular traffic facing the signal is thereby warned that the red or “Stop” signal will be exhibited immediately thereafter, and the vehicular traffic shall not enter or be crossing the intersection when the red or “Stop” signal is exhibited.

(2) No pedestrian facing the signal shall enter the roadway until the green or “Go” is shown alone, unless authorized so to do by a pedestrian “Walk” signal.

(C) *Red alone or “Stop.”*

(1) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or “Go” is shown alone. However, if a sign is not erected prohibiting turns on red lights, the vehicles may turn right on red lights after coming to a complete stop. Streets on which right turns on red are allowed are set out in Chapter 76, Schedule V(B)(3).

(2) No pedestrian facing the signal shall enter the roadway until the green or “Go” is shown alone, unless authorized so to do by a pedestrian “Walk” signal.

(D) *Red with green arrow.*

(1) Vehicular traffic facing the signal may cautiously enter the intersection only to make the movement indicated by the arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(2) No pedestrian facing the signal shall enter the roadway until the green or “Go” is shown alone, unless authorized so to do by a pedestrian “Walk” signal.

(E) *Position other than intersection.* In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any sign or marking the stop shall be made at the signal.

(1990 Code, § 70.18) Penalty, see § 70.99

§ 70.19 PEDESTRIAN CONTROL SIGNALS.

Whenever special pedestrian-control signals exhibiting the words “Walk” or “Don’t Walk” are in place the signals shall indicate as follows.

(A) *Walk.* Pedestrians facing the signal may proceed across the highway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

(B) *Don't Walk.* No pedestrian shall start to cross the highway in the direction of the signal, but any pedestrian who has partially completed his or her crossing on the “Walk” signal shall proceed to a sidewalk or safety island while the “Don’t Walk” signal is showing.

(1990 Code, § 70.19) Penalty, see § 70.99

§ 70.20 FLASHING SIGNALS.

(A) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows.

(1) *Flashing red (stop signal).* When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(2) *Flashing yellow (caution signal).* When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past the signal only with caution.

(B) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in § 71.26.

(C) The traffic lights regulating eastbound and westbound traffic on East Main Street and the intersections of Main with Market and Elm Streets shall be put on a flashing yellow light status by the State Department of Transportation from 11:00 p.m. to 6:00 a.m., Monday through Sunday. The status shall be placed into operation by the Department of Transportation under their own work schedule and shall be on a trial basis until otherwise stated.

(1990 Code, § 70.20) (Ord. passed 8-28-1984) Penalty, see § 70.99

§ 70.21 PLAY STREETS.

(A) The Board of Commissioners shall have authority to declare any street, or part thereof, a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

(B) Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street, or portion thereof, except drivers of vehicles having business or whose residences are within the closed area, and then any driver shall exercise the greatest care in driving upon any street or portion thereof.

(1990 Code, § 70.21) Penalty, see § 70.99

§ 70.22 TRAFFIC LANES.

Where traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep the vehicle within the boundaries of any lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

(1990 Code, § 70.22) Penalty, see § 70.99

§ 70.23 DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS OR MARKINGS.

(A) No person shall place, maintain or display upon or in view of any highway, any unauthorized sign, signal, marking or device which purports to be or is in imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.

(B) No person shall place or maintain, nor shall any public authority permit upon any highway, any traffic sign or signal bearing thereon any commercial advertising.

(C) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(D) Every prohibited sign, signal or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

(1990 Code, § 70.23) Penalty, see § 70.99

§ 70.24 INTERFERENCE WITH OFFICIAL TRAFFIC-CONTROL DEVICES.

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

(1990 Code, § 70.24) Penalty, see § 70.99

MOTOR VEHICLE REGISTRATION

§ 70.35 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

MOTOR VEHICLE. Every vehicle which is self-propelled and licensed by the state to be operated upon the public highways of the state.

(1990 Code, § 70.35) (Ord. passed 12-19-1972)

§ 70.36 IMPOSITION OF TAX.

Under the authority granted to municipal corporations by G.S. § 20-97, there is hereby imposed a tax of \$3 upon each vehicle registered within the corporate limits of the town each calendar year. The \$3 Vehicle Tax shall be collected by Johnston County Tax Collector and proceeds reimbursed to the Town of Benson less any administrative fee.

(1990 Code, § 70.36) (Ord. passed 12-19-1972; Ord. passed 4-11-2000)

§ 70.37 ACQUISITION OF LICENSE TAGS; DISPLAY.

The owner of each motor vehicle registered to a resident within the town limits may request from the town a tag of his or her choice to display on that motor vehicle.

(1990 Code, § 70.37) (Ord. passed 12-1972; Ord. passed 4-11-2000)

§ 70.38 SPECIAL TAGS.

(A) Members of the Volunteer Fire Department will be furnished a special auto tag which shall designate firefighters in lieu of a regular town auto license tag, which tag shall be displayed on the firefighter's vehicle.

(B) Members of the Town Rescue Squad will be furnished a special auto tag which shall designate Rescue Squad in lieu of a regular town auto license tag, which tag shall be displayed on the rescue squad member's vehicle.

(1990 Code, § 70.38) (Ord. passed 12-19-1972; Ord. passed 4-11-2000)

TRAFFIC DIVISION; TRAFFIC VIOLATIONS; ACCIDENTS

§ 70.50 TRAFFIC DIVISION ESTABLISHED; POLICE ADMINISTRATION.

(A) There is hereby established in the Police Department, a Traffic Division to be under the control of an officer of police appointed by and directly responsible to the Chief of Police.

(B) It shall be the duty of the Traffic Division with the aid as may be rendered by other members of the Police Department to enforce the street traffic regulations and all of the state vehicle laws applicable to street traffic, to make arrests for traffic violations, to investigate accidents and to cooperate with the town Traffic Engineer and other officers in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon the division by this title.
(1990 Code, § 70.50)

§ 70.51 RECORDS OF TRAFFIC VIOLATIONS.

(A) The Police Department or the Traffic Division thereof may keep a record of all violations of the traffic ordinances or of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all the alleged offenses. The record shall be so maintained as to show all types of violations and the total of each. The record shall accumulate during at least a five-year period and from that time on the record shall be maintained complete for at least the most recent five-year period.

(B) All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all the forms.

(C) All the records and reports shall be public records.
(1990 Code, § 70.51)

§ 70.52 TRAFFIC ACCIDENTS.

(A) It shall be the duty of the Traffic Division, assisted by other police officers of the Department, to investigate traffic accidents, to arrest and to assist in the prosecution of those persons charged with violations of law causing or contributing to the accidents.

(B) The Traffic Division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location.

(C) Whenever the accidents at any particular location become numerous, the Traffic Division shall conduct studies of the accidents and determine remedial measures.
(1990 Code, § 70.52)

§ 70.53 DRIVERS FILES TO BE MAINTAINED.

(A) The Police Department or the Traffic Division thereof shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions and complaints reported for each driver, which shall be filed alphabetically under the name of the driver concerned.

(B) The division shall study the cases of all the drivers charged with frequent or serious violations of the traffic laws or involved in frequent traffic accidents or any serious accident, and shall attempt to discover the reasons therefore, and shall take whatever steps are lawful and reasonable to prevent the same or to have the licenses of the persons suspended or revoked.

(C) The records shall accumulate during at least a five-year period and from that time on the records shall be maintained complete for at least the most recent five-year period.
(1990 Code, § 70.53)

§ 70.54 SUBMISSION OF ANNUAL TRAFFIC SAFETY REPORTS.

The Traffic Division may annually prepare a traffic report which shall be filed with the Mayor. The report shall contain information on traffic matters as follows:

(A) The number of traffic accidents, the number of persons killed, the number of persons injured and other pertinent traffic accident data;

(B) The number of traffic accidents investigated and other pertinent data on the safety activities of the police; and

(C) The plans and recommendations of the division for future traffic safety activities.
(1990 Code, § 70.54)

§ 70.55 EMERGENCY AND EXPERIMENTAL REGULATIONS.

The Chief of Police is here empowered to make regulations necessary to make effective the provisions of the traffic ordinances and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No temporary or experimental regulation shall remain in effect for more than 90 days.
(1990 Code, § 70.55)

GOLF CART RULES AND REGULATIONS

§ 70.70 GOLF CART DEFINITION.

Golf Carts may be operated on streets within the Town of Benson in accordance with the following rules and regulations.

(A) ***GOLF CARTS***, and otherwise defined as ***LOW SPEED VEHICLES***, as defined by G.S. § 20-4.01(27)h, that are currently in compliance with all state laws related to their operation, registration and insurance requirements, and are operated by licensed drivers, will be exempt from this subchapter.

(B) Other golf carts and low speed vehicles not in compliance with North Carolina General Statutes that operate on a street or public vehicular area within the Town of Benson will be subject to an annual inspection by the Chief of Police, or his or her designee. After successfully completing the inspection process, the operator may receive a Town of Benson golf cart permit/sticker, which must be applied to the golf cart by the Chief of Police, or his or her designee, to insure that the permit/sticker is applied in the most conspicuous location on the golf cart.

(Ord. passed 10-11-2005; Ord. passed 6-12-2007)

§ 70.71 GOLF CART INSPECTIONS; REGULATIONS; PERMITS; FEES.

The inspection by the Chief of Police, or his or her designee, will cover the following safety requirements, and every golf cart operating on Town of Benson streets must have the following safety equipment.

(A) Permits/stickers will be issued to operators of electric or gas golf carts only.

(B) Each owner must have proof of ownership, and a completed waiver of liability, releasing the Town of Benson, its employees and affiliates from all liability that may arise as a result of operating a golf cart inside the Town of Benson. A current waiver of liability must be on file with the Town of Benson, and must be renewed annually.

(C) All golf carts must meet the requirements or minimum standard of safety equipment, to wit: rear view mirror, lap belts and child restraints for use while the vehicle is in motion, and a reflective "Slow Moving Vehicle" sign affixed on the rear of the golf cart.

(D) All golf cart operators must possess a valid driver's license, except any driver or operator 18 years of age and older with a medical or physical condition that prevents that individual from being able to obtain a valid North Carolina driver's license. The medical condition must be evidenced with a professional certified medical phobia that prevents the driver or operator from taking a drivers licensing exam. The medical professional must document that the operator does not possess a medical condition that would prevent the safe operation of a motor vehicle and this documentation must be updated annually. Any driver or operator that is exempt from the requirement of a valid North Carolina license must still present and have on record and while operating a golf cart, a valid North Carolina identification card.

(E) Golf carts, by design, are equipped to seat a certain number of passengers. Each golf cart differs in that it may accommodate two to six passengers, generally. This section is designed to regulate overcrowding or reckless operation of a golf cart; therefore, no passengers are permitted to stand on a golf cart while it is in operation.

(F) All operators must provide a minimum of liability insurance on any golf cart prior to inspection.

(G) Permits/stickers will be issued annually, and valid from July 15 of each year. The following fees shall apply:

(1) Inspection by Police Department: \$35 annually (includes permit/sticker); and

(2) Re-inspection by Police Department: \$10 (if a golf cart fails the initial inspection).

(H) Lost or stolen permit/stickers are the responsibility of the owner. A police report must be filed in the event of a lost or stolen permit/sticker. The Chief of Police will have the discretion in determining whether a permit/sticker may be re-issued in this instance. If no record can be found of a previous application, or the receipt of a permit/sticker, the Chief of Police may direct the applicant to reapply, and also resubmit any and all fees necessary, before a replacement permit/sticker is issued.

(Ord. passed 10-11-2005; Ord. passed 6-12-2007) Penalty, see § 70.99

§ 70.72 GOLF CART OPERATORS; TRAFFIC LAWS.

(A) Any person who operates a golf cart in the Town of Benson, and fails to receive or properly display a Town of Benson permit/sticker will be subject to the state law requiring registration, insurance and any other applicable laws, in addition to being in violation of this subchapter.

(B) Golf carts will be subject to the traffic laws of North Carolina:

(1) All operators must adhere to all laws that apply to normal vehicle operation, to wit: stop signs, stop lights, one-way streets and the like. All alcohol laws will also apply;

(2) Golf carts will adhere to all traffic flow patterns, and will operate on the right side of the roadway;

(3) Golf cart operators must yield the right-of-way to any overtaking vehicles;

(4) Golf carts shall not be operated on sidewalks; and

(5) Golf carts shall not be operated on private property, without the permission and consent of the property owner.

(C) Golf carts that are issued permits to operate under this subchapter may only be used from sunrise to 30 minutes prior to sunset. No operation after 30 minutes prior to sunset is allowed.

(Ord. passed 10-11-2005; Ord. passed 6-12-2007) Penalty, see § 70.99

§ 70.73 GOLF CART LIABILITY DISCLAIMER.

This subchapter is adopted to address the interests of public safety. Golf carts are not designed or manufactured to be used on public streets, and the town in no way advocates or endorses their operation on public streets or roads. The town, by regulating the operation, is merely trying to address obvious safety issues, and adoption of this subchapter is not to be relied upon as a determination that operation on a public street or public vehicular area is safe or advisable, if done in accordance with this subchapter. All persons who operate or ride upon golf carts on public streets or public vehicular areas do so at their own risk and peril, and must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists and pedestrians. The town has no liability under any theory of liability, and the town assumes no liability, for permitting golf carts to be operated on the public streets and public vehicular areas, under special legislation granted by the state's legislature. Any person who operates a golf cart is responsible for procuring liability insurance sufficient to cover the risk involved in using a golf cart on the public streets and public vehicular areas of the town.

(Ord. passed 10-11-2005; Ord. passed 6-12-2007)

§ 70.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Whoever shall violate any provision of §§ 70.01 through 70.06, §§ 70.15 through 70.24, §§ 70.35 through 70.38 and §§ 70.50 through 70.55, for which no other penalty is provided, shall be upon conviction, guilty of a misdemeanor and subject to a fine not to exceed \$50. Whoever violates any parking provision of this code shall pay a fee of \$5 for each violation. Each day that any of the provisions of this code are violated shall constitute a separate offense.

(1990 Code, § 70.99) (Ord. passed 11-6-1990)

(C) Whosoever shall violate any provision of §§ 70.70 through 70.74 for which no other penalty is provided, shall be upon conviction, guilty of a misdemeanor, and subject to a fine not to exceed \$50. Each day that any of the provisions of this code are violated shall constitute a separate offense.

(Ord. passed 10-11-2005; Ord. passed 6-12-2007)

(D) If any person shall violate an ordinance regulating the operation or parking of vehicles, he or she shall be responsible for an infraction and shall be required to pay a penalty of not more than \$50.

(G.S. § 14-4(b))

CHAPTER 71: TRAFFIC RULES

Section

Operation Generally

- 71.1 Speed limits
- 71.2 Restricted turn signs
- 71.3 Turning on roadway limited
- 71.4 One-way streets and alleys
- 71.5 Limitations on backing
- 71.6 Use of controlled-access roadways

Special Stops Required; Right-of-Way

- 71.20 Through streets designated
- 71.21 Authority to erect stop signs
- 71.22 Intersections where stop required
- 71.23 Funeral procession has right-of-way

Prohibited Acts

- 71.35 Use of toy vehicles; clinging to vehicles prohibited
- 71.36 Riding upon vehicle not designated for passenger use

Cruising

- 71.50 Definitions
- 71.51 Cruising prohibited
- 71.52 Areas to be designated
- 71.53 Exempt vehicles
- 71.54 Enforcement

Cross-reference:

Stopping, standing and parking, see Chapter 72

OPERATION GENERALLY

§ 71.01 SPEED LIMITS.

The town, with reference to streets that are not state highways, has hereby established those speed limits set forth more particularly in Chapter 76, Schedule IV, and has posted signs indicating the speed limits.
(1990 Code, § 71.01) Penalty, see § 70.99

§ 71.02 RESTRICTED TURN SIGNS.

(A) The Board of Commissioners shall determine those intersections at which drivers of vehicles shall not make a right, left or U-turn, and shall place proper signs at the intersections. The making of the turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when the turns are permitted. Restrictions on turning movements shall be as specified in Chapter 76, Schedule V(A)(1) and (2), (B)(1) and (C).

(B) Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any sign.
(1990 Code, § 71.02) Penalty, see § 70.99

§ 71.03 TURNING ON ROADWAY LIMITED.

The driver of any vehicle shall not turn the vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless the movement can be made in safety and without interfering with other traffic.
(1990 Code, § 71.03) Penalty, see § 70.99

§ 71.04 ONE-WAY STREETS AND ALLEYS.

(A) Whenever any ordinance designates any one-way street or alley, there shall be signs giving notice thereof, and no regulation shall be effective unless the signs are in place.

(B) Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.
(1990 Code, § 71.04) Penalty, see § 70.99

§ 71.05 LIMITATIONS ON BACKING.

The driver of a vehicle shall not back the same unless the movement can be made with reasonable safety and without interfering with other traffic.
(1990 Code, § 71.05) Penalty, see § 70.99

§ 71.06 USE OF CONTROLLED-ACCESS ROADWAYS.

No person shall drive a vehicle onto or from any controlled-access roadway except at the entrances and exits as are established by public authority.
(1990 Code, § 71.06) Penalty, see § 70.99

SPECIAL STOPS REQUIRED; RIGHT-OF-WAY

§ 71.20 THROUGH STREETS DESIGNATED.

Those streets and parts of streets described in Chapter 76, Schedule II, are declared to be through streets for the purpose of this subchapter.
(1990 Code, § 70.20)

§ 71.21 AUTHORITY TO ERECT STOP SIGNS.

(A) Whenever any ordinance designates and describes a through street, there shall be a stop sign on each and every street intersecting the through street or intersecting that portion thereof described and designated as such by any ordinance unless traffic at any intersection is controlled at all times by traffic-control signals. However, at the intersection of two through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of the streets.

(B) Every sign erected pursuant to this subchapter shall bear the word "Stop" in letters not less than eight inches in height and the sign shall at nighttime be rendered luminous by steady or flashing internal illumination, or by a fixed floodlight projected on the face of the sign, or by efficient reflecting elements on the face of the sign. Every stop sign shall be located as near as practical at the nearest line of the crosswalk on the near side of the intersection or, if none, at the nearest line of the roadway.
(1990 Code, § 71.21)

§ 71.22 INTERSECTIONS WHERE STOP REQUIRED.

The Board of Commissioners may determine and designate intersections where particular hazard exists upon other than through streets and may determine whether vehicles shall stop at one or more entrances to any stop intersection, and shall erect a stop sign at every place where a stop is required. The places are specified in Chapter 76, Schedule I.
(1990 Code, § 71.22)

§ 71.23 FUNERAL PROCESSION HAS RIGHT-OF-WAY.

(A) No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when the vehicles are conspicuously designated as required in this section. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.

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

(C) A funeral composed of a procession of vehicles shall be identified as such by driving with headlights turned on or by the other method as may be determined and designated by the Traffic Division of the Police Department.

(1990 Code, § 71.23) Penalty, see § 70.99

PROHIBITED ACTS

§ 71.35 USE OF TOY VEHICLES; CLINGING TO VEHICLES PROHIBITED.

(A) No person upon roller skates, skateboards or riding in or by means of any skates, boards, toy devices or similar devices shall go upon any sidewalk in the Fire District (U.S. 301 east to Elm Street, Parrish Drive north to Church Street) or any roadway in the town except while crossing a street on a crosswalk and when crossing, the persons shall be granted all the rights and shall be subject to all the duties applicable to pedestrians. This division shall not apply upon any street while set aside as a play street as authorized by § 70.21.

(B) No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

(1990 Code, § 71.35) (Ord. passed 7-14-1987) Penalty, see § 70.99

§ 71.36 RIDING UPON VEHICLE NOT DESIGNATED FOR PASSENGER USE.

It shall be unlawful for any person to ride upon any vehicle in or on any area other than that designated for the normal transportation of passengers. The provisions of this section do not apply to open truckbeds.

(1990 Code, § 71.36) Penalty, see § 70.99

CRUISING

§ 71.50 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONGESTED TRAFFIC. When motor vehicles cannot move through a 100-yard approach corridor to an intersection controlled by a traffic light within two complete green light cycles, where the delay in forward movement is due to the position of other motor vehicles.

CRUISING. The repetitive driving of any motor vehicle past a traffic control point in traffic which is congested at or near the traffic control point.

REPETITIVE DRIVING. Operating a motor vehicle past a traffic control point more than three times within two hours.

TRAFFIC-CONTROL POINT. Any point within the no-cruising area established by the Police Department for the purposes of monitoring cruising.
(1990 Code, § 71.50) (Ord. passed 9-10-1996)

§ 71.51 CRUISING PROHIBITED.

(A) In order to prevent traffic congestion, obstruction of streets, sidewalks or parking lots, impediment of access to shopping centers or other buildings open to the public or the interference with the use of property or the conduct of business in the area adjacent thereto, no person shall drive or permit a motor vehicle under his or her care, custody or control to be driven past a traffic-control point three or more times within a two-hour period from 8:00 p.m. to 6:00 a.m., Monday through Sunday, in or around a posted no-cruising area.

(B) No violations shall occur except upon the third passage by the same traffic-control point within the two-hour period mentioned in this section.
(1990 Code, § 71.51) (Ord. passed 9-10-1996) Penalty, see § 70.99

§ 71.52 AREAS TO BE DESIGNATED.

(A) No area shall be designated or posted as a no-cruising area except upon the passage of a resolution by the Council specifically mandating the designation and posting for a particular area.

(B) At every point where a public street, a public vehicular area, or alley becomes or provides ingress to a no-cruising area, there shall be posted a sign which designates “no cruising” and gives the applicable time period. A “no cruising area” is an area designated where no person shall drive or permit a motor vehicle under his or her care, custody or control to be driven past a traffic-control point three or more times within a two-hour period.
(1990 Code, § 72.52) (Ord. passed 9-10-1996)

§ 71.53 EXEMPT VEHICLES.

This subchapter shall not apply to in-service emergency vehicles, taxicabs for hire, buses and other vehicles being driven for business purposes.
(1990 Code, § 72.53) (Ord. passed 9-10-1996)

§ 71.54 ENFORCEMENT.

Where there is a violation of any provision of this subchapter, a police officer shall issue to the violator a traffic summons.
(1990 Code, § 71.54) (Ord. passed 9-10-1996)

CHAPTER 72: STOPPING, STANDING AND PARKING

Section

Method of Parking

- 72.1 Parking parallel to curb
- 72.2 Vehicles not to obstruct passage of other vehicles
- 72.3 Stopping, standing or parking prohibited in certain places
- 72.4 Parking prohibited for certain purposes
- 72.5 Parking in alleys
- 72.6 All-night parking
- 72.7 Angle parking
- 72.8 Parking adjacent to schools
- 72.9 Standing or parking on one-way roadways
- 72.10 Stopping, standing or parking near hazardous or congested places
- 72.11 Permitted parking for businesses in town lot; permit required

Restricted or Prohibited Parking on Certain Streets

- 72.25 Application of regulations
- 72.26 Regulations not exclusive
- 72.27 Parking prohibited at all times on certain streets
- 72.28 Parking time limited on certain streets
- 72.29 Parking signs required
- 72.30 Parking of trailers prohibited on town streets

Loading and Unloading Zones; Public Carrier Stops and Stands

- 72.40 Passenger curb loading zones
- 72.41 Freight curb loading zones
- 72.42 Bus and taxicab stops and stands
- 72.43 Stopping, standing and parking of busses and taxicabs
- 72.44 Restricted use of bus and taxicab stands

- 72.99 Penalty

Cross-reference:

Parking schedules, see Chapter 77

Traffic rules, see Chapter 71

METHOD OF PARKING**§ 72.01 PARKING PARALLEL TO CURB.**

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within 18 inches of the curb or edge of the roadway, except as otherwise provided in this chapter.
(1990 Code, § 72.01) Penalty, see § 72.99

§ 72.02 VEHICLES NOT TO OBSTRUCT PASSAGE OF OTHER VEHICLES.

No person shall park any vehicle upon a street, other than an alley, in such a manner or under the conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.
(1990 Code, § 72.02) Penalty, see § 72.99

§ 72.03 STOPPING, STANDING OR PARKING PROHIBITED IN CERTAIN PLACES.

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

- (1) On a sidewalk;
- (2) In front of a public driveway;
- (3) Within an intersection;
- (4) On a crosswalk;
- (5) Within 20 feet of a crosswalk at an intersection;
- (6) Within 30 feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;
- (7) Between a safety zone and the adjacent curb, or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless signs or markings indicate a different length;
- (8) Within 50 feet of the nearest rail of a railroad crossing;
- (9) Within 20 feet of the side of a street opposite the entrance to any fire station within 75 feet of the entrance (when properly signposted);
- (10) Along side or opposite excavation or obstruction when stopping, standing or parking would obstruct traffic;

- (11) On a roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (12) Upon any bridge or other elevated structure upon a highway or within a highway tunnel; or
- (13) At any place where official signs prohibit stopping.

(B) No person shall move a vehicle not lawfully under his or her control into any prohibited area or away from a curb, the distance as is unlawful.
(1990 Code, § 72.03) Penalty, see § 72.99

§ 72.04 PARKING PROHIBITED FOR CERTAIN PURPOSES.

No person shall park a vehicle upon any roadway for the principal purpose of displaying the vehicle for sale.
(1990 Code, § 72.04) Penalty, see § 72.99

§ 72.05 PARKING IN ALLEYS.

(A) No person shall park a vehicle within an alley in such a manner or under the conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic.

(B) No person shall stop, stand or park a vehicle within an alley, in the position as to block the driveway entrance to any abutting property.
(1990 Code, § 72.05) Penalty, see § 72.99

§ 72.06 ALL-NIGHT PARKING.

No person shall park a vehicle between the hours of 1:00 a.m. and 6:00 a.m. of any day, on the streets specified in Chapter 77, Schedule III(B).
(1990 Code, § 72.06) Penalty, see § 72.99

§ 72.07 ANGLE PARKING.

(A) The Board of Commissioners shall determine upon what streets angle parking shall be permitted and shall mark or sign the streets, which are specified in Chapter 77, Schedule II(C).

(B) Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street.

(C) Upon those streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by the signs or markings.
(1990 Code, § 72.07) Penalty, see § 72.99

§ 72.08 PARKING ADJACENT TO SCHOOLS.

When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any designated place.
(1990 Code, § 72.08) Penalty, see § 72.99

§ 72.09 STANDING OR PARKING ON ONE-WAY ROADWAYS.

In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any roadway, no person shall stand or park a vehicle upon the left-hand side of the one-way roadway unless signs are erected to permit the standing or parking.
(1990 Code, § 72.09) Penalty, see § 72.99

§ 72.10 STOPPING, STANDING OR PARKING NEAR HAZARDOUS OR CONGESTED PLACES.

When official signs are erected at hazardous or congested places, no person shall stop, stand or park a vehicle in any designated place.
(1990 Code, § 72.10) Penalty, see § 72.99

§ 72.11 PERMITTED PARKING FOR BUSINESSES IN TOWN LOT; PERMIT REQUIRED.

Parking after 1:00 on the east side of the town lot between Parrish Drive and Main Street will be allowed if its owner obtains a parking permit from the town. The permit will only be issued to store owners, store managers and staff.
(1990 Code, § 72.11) Penalty, see § 72.99

RESTRICTED OR PROHIBITED PARKING ON CERTAIN STREETS**§ 72.25 APPLICATION OF REGULATIONS.**

The provisions of this subchapter, prohibiting the standing or parking of a vehicle, shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.
(1990 Code, § 72.25)

§ 72.26 REGULATIONS NOT EXCLUSIVE.

The provisions of this subchapter imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.
(1990 Code, § 72.26)

§ 72.27 PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS.

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described in Chapter 77, Schedule I.
(1990 Code, § 72.27) Penalty, see § 72.99

§ 72.28 PARKING TIME LIMITED ON CERTAIN STREETS.

When signs are erected in each block giving notice thereof, no person shall park a vehicle for longer than the times specified within the district, or upon any of the streets described in Chapter 77, Schedule III(C),(D) and (E).
(1990 Code, § 72.28) Penalty, see § 72.99

§ 72.29 PARKING SIGNS REQUIRED.

Whenever by this or any other section, any parking time limit is imposed or parking is prohibited on designated streets, there shall be appropriate signs giving notice thereof and no regulations shall be effective unless the signs are erected and in place at the time of any alleged offense.
(1990 Code, § 72.29)

§ 72.30 PARKING OF TRAILERS PROHIBITED ON TOWN STREETS.

It shall be unlawful for any person to park or cause to be parked any trailer, which has been detached from the pulling vehicle, after sunset on any public street in the Town of Benson.
(Ord. passed 5-13-2003) Penalty, see § 72.99

LOADING AND UNLOADING ZONES; PUBLIC CARRIER STOPS AND STANDS**§ 72.40 PASSENGER CURB LOADING ZONES.**

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 curb loading zone during hours when the regulations applicable to the curb loading zone are effective, and then only for a period not to exceed three minutes.

(1990 Code, § 72.40) Penalty, see § 72.99

§ 72.41 FREIGHT CURB LOADING ZONES.

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 pick-up and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to the zones are in effect. In no case shall the stop for loading and unloading of materials exceed 30 minutes.

(1990 Code, § 72.41) Penalty, see § 72.99

§ 72.42 BUS AND TAXICAB STOPS AND STANDS.

Bus stands, taxicab stands and stands for other passenger common-carrier motor vehicles, designated by appropriate signs, shall be as specified in Chapter 77, Schedule V.

(1990 Code, § 72.42)

§ 72.43 STOPPING, STANDING AND PARKING OF BUSES AND TAXICABS.

(A) The operator of a bus shall not stand or park the vehicle upon any street at any place other than at a bus stand so designated as provided herein.

(B) The operator of a bus shall not stop the vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in case of an emergency.

(C) The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position with the right front wheel of the vehicle not farther than 18 inches from the curb and the bus approximately parallel to the curb, so as not to unduly impede the movement of other vehicular traffic.

(D) The operator of a taxicab shall not stand or park the vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of, and while actually engaged in, the expeditious loading or unloading of passengers.

(1990 Code, § 72.43) Penalty, see § 72.99

§ 72.44 RESTRICTED USE OF BUS AND TAXICAB STANDS.

No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any stop has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when the stopping does not interfere with any bus or taxicab waiting to enter or about to enter the zone.

(1990 Code, § 72.44) Penalty, see § 72.99

§ 72.99 PENALTY.

(A) *General.* Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) *Parking of trailers prohibited on town streets.* For a first offense, the fine shall be \$10, for a second offense within 30 days of a first offense the fine shall be \$20, for a third offense within 30 days of a second offense the fine shall be \$25 and the town shall have the right to have the trailer towed off at the expense of the owner.

(Ord. passed 5-13-2003)

CHAPTER 73: BICYCLES AND MOTORCYCLES

Section

- 73.1 Application to traffic regulations
- 73.2 Obedience to traffic-control devices
- 73.3 Rules for operation of bicycles
- 73.4 Bicycles on roadways and bicycle paths; riding abreast
- 73.5 Riding on sidewalks
- 73.6 Parking on roadway or sidewalk
- 73.7 Signal devices and other equipment on bicycle
- 73.8 Riding on motorcycles
- 73.9 Responsibility of parent or guardian

§ 73.01 APPLICATION TO TRAFFIC REGULATIONS.

(A) Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the state, declaring rules of the road applicable to vehicles or by this title applicable to the driver of a vehicle, except as to special regulations in this chapter and except as to those provisions of laws and ordinances which, by their nature, can have no application.

(B) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.
(1990 Code, § 73.01)

§ 73.02 OBEDIENCE TO TRAFFIC-CONTROL DEVICES.

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

(B) Whenever authorized signs are erected indicating that no right, left or U-turn is permitted, no persons operating a bicycle shall disobey the direction of any sign, except where the person dismounts from the bicycle to make any turn, in which event the person shall then obey the regulations applicable to pedestrians.
(1990 Code, § 73.02) Penalty, see § 70.99

§ 73.03 RULES FOR OPERATION OF BICYCLES.

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

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

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

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

(E) No person riding upon any bicycle shall attach the same or himself or herself to any vehicle upon a roadway.

(F) No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handle bars.
(1990 Code, § 73.03) Penalty, see § 70.99

§ 73.04 BICYCLES ON ROADWAYS AND BICYCLE PATHS; RIDING ABREAST.

(A) Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(B) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(C) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use the path and shall not use the roadway.
(1990 Code, § 73.04) Penalty, see § 70.99

§ 73.05 RIDING ON SIDEWALKS.

(A) No person shall ride a bicycle upon a sidewalk within a business district.

(B) The Chief of Police is authorized to erect signs on any roadway prohibiting the riding of bicycles thereon by any person and when the signs are in place no person shall disobey the same.

(C) No person 15 or more years of age shall ride a bicycle upon any sidewalk.

(D) Whenever any person is riding a bicycle upon a sidewalk, the person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing the pedestrian.
(1990 Code, § 73.05) Penalty, see § 70.99

§ 73.06 PARKING ON ROADWAY OR SIDEWALK.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

(1990 Code, § 73.06) Penalty, see § 70.99

§ 73.07 SIGNAL DEVICES AND OTHER EQUIPMENT ON BICYCLE.

(A) Every bicycle when in use at nighttime, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type which shall be visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

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

(1990 Code, § 73.07) Penalty, see § 70.99

§ 73.08 RIDING ON MOTORCYCLES.

A person operating a motorcycle shall ride only upon the permanent and regular seat-attached thereto, and the operator shall not carry any other person nor shall any other person ride on a motorcycle unless the motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the operator.

(1990 Code, § 73.08) Penalty, see § 70.99

§ 73.09 RESPONSIBILITY OF PARENT OR GUARDIAN.

The parent of any child and the guardian of any ward shall not authorize or knowingly permit any child or ward to violate any of the provisions of this chapter.

(1990 Code, § 73.09) Penalty, see § 70.99

CHAPTER 74: PEDESTRIANS

Section

- 74.1 Application of regulations to pedestrians
- 74.2 Pedestrians on crosswalks

§ 74.01 APPLICATION OF REGULATIONS TO PEDESTRIANS.

Pedestrians shall be subject to traffic-control signals as heretofore declared in §§ 70.18 and 70.19, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this chapter. (1990 Code, § 74.01)

§ 74.02 PEDESTRIANS ON CROSSWALKS.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks. (1990 Code, § 74.02)

CHAPTER 75: RAILROADS

Section

- 75.1 Speed limit
- 75.2 Use of signals when train approaches crossing
- 75.3 Blocking street crossings

§ 75.01 SPEED LIMIT.

It shall be unlawful for any person in immediate control of any engine or train or any railroad company operating any train in and through the corporate limits, to run or permit to be run, the train or engine in and through the corporate limits at a speed exceeding 45 mph from sunrise to sunset and 55 mph from sunset to sunrise.

(1990 Code, § 75.01) (Ord. passed 8-8-1978) Penalty, see § 70.99

§ 75.02 USE OF SIGNALS WHEN TRAIN APPROACHES CROSSING.

It shall be unlawful for any person in immediate control of any locomotive engine or train, operating freight and passenger trains in and through the corporate limits, to operate the engine or train without timely ringing of the bell or blowing of the horn or whistle as it approaches the several crossings in the corporate limits.

(1990 Code, § 75.02) (Ord. passed 8-8-1978) Penalty, see § 70.99

§ 75.03 BLOCKING STREET CROSSINGS.

It shall be unlawful for any person in immediate control of any locomotive engine or train operating freight and passenger trains in and through the corporate limits to block any street crossing in the town for more than ten minutes; except, those crossings necessarily blocked for loading and unloading mail and express, and except in cases where crossings are blocked as the result of some emergency or mechanical failure beyond the control of the train crew.

(1990 Code, § 75.03) (Ord. passed 8-8-1978) Penalty, see § 70.99

CHAPTER 76: TRAFFIC SCHEDULES

Schedule

- I. Stop streets
- II. (Reserved)
- III. One-way streets and alleys
- IV. Speed limits
- V. (Reserved)
- VI. Through truck traffic prohibited
- VII. No cruising

SCHEDULE I: STOP STREETS.

<i>Intersection</i>	<i>Ord. No.</i>	<i>Date</i>
All intersections unless otherwise posted with yield right-of-way signs	-	3-8-1988
Carolyn Drive at North Johnson Street		
Circle Drive at Catherine Street		
Elm Street at Holmes Street		
Farmers Drive at West Harnett Street		
Farmers Drive at West Hill Street		
George Street at East Brocklyn Street		
North Street at Branch Street		
South Augusta Avenue at Parrish Drive		
Erect stop signs at all corners at the intersection of East Brocklyn Street and South Elm Streets	-	8-10-2004

(1990 Code, Chapter 76, Schedule I) (Ord. passed 8-10-2004) Penalty, see § 70.99

SCHEDULE II: (RESERVED).

SCHEDULE III: ONE-WAY STREETS AND ALLEYS.

Upon those streets and parts of streets and in those alleys described in this schedule, vehicular traffic shall move only in one direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

<i>Street</i>	<i>Location</i>	<i>Direction</i>	<i>Hours</i>	<i>Ord. No.</i>	<i>Date</i>
Alley	From Main Street to Parrish Drive between Wall Street and Railroad Street		All	-	2-10-1981
Alley	Between 109 and 111 west Main Street		All	-	2-10-1981
Printers Drive	Between South Wall Street and South West Railroad Street	West to East		-	11-12-1991
Railroad Street	From East Main Street to East Parrish Drive		All	-	--
Railroad Street	From West Parrish Street to West Main Street		All	-	--
Railroad Street	From West Main Street to West Church Street		All	-	--

(1990 Code, Chapter 76, Schedule III) Penalty, see § 70.99

SCHEDULE IV: SPEED LIMITS.

(A) It shall be unlawful to operate a vehicle in excess of the speeds listed below upon the following streets or portion of streets of the state highway system.

(1) Twenty mph speed limit on the following streets:

<i>Street</i>	<i>Location</i>	<i>Ord. No.</i>	<i>Passed</i>
Church Street	From Wall Street (U.S. 301) to Johnson Street	-	1-14-1975
Colonade Subdivision	All	-	7-26-2007
Elm Street	From Church Street to Parrish Drive	-	1-14-1975
Hall Street (children at play street)	From Morris Street north to dead end	-	7-9-1996
Kennedy Circle (children at play street)	All	-	5-15-1991
King Circle (children at play street)	All	-	5-15-1991
Main Street (N.C. 50)	From Wall Street (U.S. 301) to Johnson Street	-	1-14-1975
Market Street	From Church Street to Brooklyn Street	-	1-14-1975
Parrish Drive	From Wall Street (U.S. 301) to Johnson Street	-	1-14-1975
South Wall Street (U.S. 301)	From Harnett Street to Church Street	-	1-14-1975

(2) Twenty-five mph speed limit on the following streets:

<i>Street</i>	<i>Location</i>	<i>Ord. No.</i>	<i>Date</i>
Church Street	From Honeycutt Street to Johnson Street	-	12-22-1994
Church Street	From Wall Street to N.C. 50	-	12-22-1994
Harnett Street	From Chicopee Road to Pine Street	-	12-22-1994
Hill Street	From Catherine Street to Lincoln Street	-	12-22-1994

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<i>Street</i>	<i>Location</i>	<i>Ord. No.</i>	<i>Date</i>
Parrish Drive	From Dunn Street to Johnson Street	-	12-22-1994
Parrish Drive	From Wall Street to Pine Street	-	12-22-1994
Woodall Street	From Elm Street to Market Street	-	12-22-1994
Woodall Street	From Wall Street to Pine Street	-	12-22-1994

(1) Thirty-five mph speed limit on the following streets:

<i>Street</i>	<i>Location</i>	<i>Ord. No.</i>	<i>Date</i>
Chicopee Road (S.R. 1100)	From East Harnett Street to U.S. 301 south	-	1-14-1975
N.C. Highway 50 East	That part just west of I-95 running east to the town limits	-	6-13-1984
North Johnson Street	From driving Branch to the intersection of North Wall Street (U.S. 301)	-	10-11-1979
Smithfield Road (S.R. 1173)	From Church Street to eastern corporate limit	-	3-26-1987
Wall Street (U.S. 301)	From Martin Street to the northern corporate limit	-	7-9-1985

(2) Forty mph speed limit on the following streets.

(3) Forty-five mph speed limit on the following streets:

<i>Street</i>	<i>Location</i>	<i>Ord. No.</i>	<i>Date</i>
Lincoln Street (S.R.1360)	From West Main Street to N.C. 50 north	-	1-14-1975
Market Street	From Brooklyn Street to Chicopee Road	-	1-14-1975
West Main Street	From N.C. 50 and N.C. 27 west to town limits west	-	1-14-1975

(4) Fifty mph speed limit on the following streets.

(1) Fifty-five mph speed limit on the following streets:.

(B) It shall be unlawful to operate a vehicle in excess of the speeds listed below upon the following streets or portions of streets, not a part of the state highway system:

(1) Twenty mph speed limit on the following streets.

(2) Twenty-five mph speed limit on the following streets.

(3) Thirty mph speed limit on the following streets.

(4) Forty mph speed limit on the following streets.

(5) Forty-five mph speed limit on the following streets.

(6) Fifty mph speed limit on the following streets.

(7) Fifty-five mph speed limit on the following streets.

(1990 Code, Chapter 76, Schedule IV) Penalty, see § 70.99

SCHEDULE V: (RESERVED).

SCHEDULE VI: THROUGH TRUCK TRAFFIC PROHIBITED.

Through truck traffic prohibited on the following streets:

<i>Location</i>	<i>Ord. No.</i>	<i>Date</i>
Church Street	-	--
Kennedy Circle	-	8-13-1985
Harnett Street	-	--
Hill Street	-	--
North Johnson Street from N.C. 50 east to U. S. 301 north	-	--
Parrish Drive	-	--
Pine Street	-	--
West Martin Street	-	--
Woodall Street	-	--

(1990 Code, Chapter 76, Schedule VI) (Ord. passed 10-14-1980; Ord. passed 5-12-1987; Ord. passed 3-8-1988)
Penalty, see § 70.99

SCHEDULE VII: NO CRUISING.

Cruising prohibited on the following streets:

<i>Location</i>	<i>Res. No.</i>	<i>Date</i>
The area bounded on the north by Church Street, on the east by I-95, on the south by Parrish Drive, and on the west by Wall Street	-	9-10-1996

(1990 Code, Chapter 76, Schedule VII)

CHAPTER 77: PARKING SCHEDULES

Schedule

- I. Prohibited parking
- II. Restricted parking
- III. Limited parking
- IV. Loading and unloading zones
- V. Public carrier stops and stands
- VI. Handicapped parking

SCHEDULE I: PROHIBITED PARKING.

<i>Street</i>	<i>Location</i>	<i>Ord. No.</i>	<i>Date</i>
Chicopee Road	East side of Chicopee Road from town limits to entrance to Chicopee Manufacturing Co.	-	5-8-1990
East Main Street	Between Elm Street and I-95	-	5-9-1989
Parrish Drive	One no parking space at 103 West Parrish Drive	-	5-8-1990
Sunset Drive	One sign placed on the left side going north, 547 feet from North Johnson Street	-	5-9-1989
Sunset Drive	A second sign placed on the left side going north, 564 feet from North Johnson Street	-	5-9-1989
Sunset Drive	One sign placed on right side going south, 462 feet from North Johnson Street	-	5-9-1989
Wall Street	From West Mann Street to North Wall Street at the intersection NC242	-	5-9-1989

(1990 Code, Chapter 77, Schedule I) Penalty, see § 70.99

SCHEDULE II: RESTRICTED PARKING.

(A) *No parking during sessions.*

(1) No parking shall be allowed on that portion of the east side of Elm Street, being located in a northerly direction along the east side of Elm Street from the intersection of Elm and Brocklyn Streets 210feet to the beginning point of the no parking zone, the no parking zone running from the beginning point in a northerly direction along the east side of Elm Street 126 feet.

(2) This no parking zone shall only apply Monday through Friday from the hours of 7:45 a.m. to 8:45 a.m. and from 2:00 p.m. to 3:15 p.m. during school session.

(B) *Parallel parking.*

(1) Parallel parking allowed on Tuesday, Thursday and Saturday:

<i>Street</i>	<i>Location</i>	<i>Side</i>	<i>Ord. No.</i>	<i>Date</i>
West Main Street	From Railroad Street to Wall Street	South	-	12-11-1984

(2) Parallel parking prohibited from 11:00 p.m. until 5:00 a.m. Monday through Sunday in the following locations:

<i>Street</i>	<i>Location</i>	<i>Ord. No.</i>	<i>Date</i>
East Main Street	Between Wall Street (N.C. Highway 301) and Elm Street	-	8-28-1984

(C) *Diagonal parking.* All vehicles shall be parked at an angle of approximately 45 degrees with the curb on the following streets or portions thereof: none.

(D) *Designated areas.* Parking allowed in designated areas only:

<i>Street</i>	<i>Ord. Ord.</i>	<i>Date</i>
Dixon Street	-	8-13-1985
Moore Street	-	8-13-1985
Williams Street	-	8-13-1985

(E) *Truck parking.* Truck parking prohibited in the following locations:

<i>Street</i>	<i>Location</i>	<i>Ord. No.</i>	<i>Date</i>
Chicopee Road	East side, from the entrance road to Chicopee Mfg. Company south to King Circle	-	1-8-1991
King Circle	From intersection with Chicopee Road for a distance of 250 feet along the cemetery fence on the south and west side of King Circle	-	1-8-1991

(1990 Code, Chapter 77, Schedule II) (Ord. passed 9-24-1987; Ord. passed 1-8-1991; Ord. passed 2-13-2001)
Penalty, see § 70.99

SCHEDULE III: LIMITED PARKING.

(A) (1) Parking prohibited between 11:00 p.m. until 5:00 a.m. Monday through Sunday in the following parking spaces:

<i>Description</i>	<i>Ord. No.</i>	<i>Date</i>
The public parking lot located on the 100 block of East Church Street between the A.B.C. Store and the Town Hall facility	-	9-22-1983
The parking spaces on either side of the South Railroad Street on its 100 block on the east side of the Seaboard Coastline railway tracks	-	9-22-1983
The parking spaces on the 100 block of South Railroad Street on the west side of the Seaboard Coastline railway tracks	-	9-22-1983
Three emergency parking spaces shall be reserved for 24 hour parking, Monday through Sunday, for doctor's patients on the east side of the Seaboard Coastline railway tracks	-	9-22-1983

(2) Signs for no parking, reserved parking and appropriate pavement markings shall be placed as needed.

(3) Enforcement of this division shall include towing of illegally parked vehicles where necessary.

(B) Parking prohibited between the hours of 1:00 a.m. and 6:00 a.m. upon any of the following streets or portions of streets:

<i>Street</i>	<i>Location</i>	<i>Direction</i>	<i>Ord. No.</i>	<i>Date</i>
Wall Street	From West Mann Street to the intersection NC242 and U.S. 301	Northbound and Southbound	-	--

(C) Parking limited to ten minutes:

<i>Street</i>	<i>Location</i>	<i>Direction</i>	<i>Ord. No.</i>	<i>Date</i>
East Church Street	Between North Elm Street and North Johnson Street	Southbound	-	--
West Main Street	Between Railroad Street and Wall Street in front of First Citizens Bank	-	-	--

<i>Street</i>	<i>Location</i>	<i>Direction</i>	<i>Ord. No.</i>	<i>Date</i>
West Main Street	At Mary Duncan Library		-	7--1996

(D) Parking limited to one hour between the hours of 6:00 a.m. and 6:30 p.m. on any day except Sundays and public holidays within the district or upon any of the following streets.

(E) Parking limited to two hours between the hours of 6:00 a.m. and 6:30 p.m. on any day except Sundays and public holidays within the district or upon any of the following streets.

(F) Two-hour parking:

<i>Street</i>	<i>Location</i>	<i>Side</i>	<i>Ord. No.</i>	<i>Date</i>
Railroad Street	From Main Street south to Parrish Drive	East side of railroad track	-	10-11-1988
South Railroad Street (3 spaces)	From Main Street to Parrish Drive	West side of railroad track	-	7-28-1988

(G) Parking permitted between the hours of 7:00 p.m. and 5:00 a.m., by permit only, in the following spaces:

<i>Description</i>	<i>Ord. No.</i>	<i>Date</i>
100 block of Northwest Railroad Street	-	7-17-1990

(H) Parking prohibited between the hours of 11:00 p.m. to 5:00 a.m. Monday through Sunday in the following parking spaces:

<i>Description</i>	<i>Ord. No.</i>	<i>Date</i>
Elm Street from Main Street to fire alley	-	7-17-1990
Market Street from Main Street to fire alley	-	7-17-1990
South Lee Street (west side only) from East Parrish Drive for a distance of 70 feet	-	7-13-1993

(I) Parking prohibited between the hours of 11:00 p.m. to 5:00 a.m. Monday through Sunday.

<i>Description</i>	<i>Ord. No.</i>	<i>Date</i>
Municipal parking lot, located at corner of West Main Street and South Wall Street	-	1-14-1992

(J) Thirty minute parking:

<i>Street</i>	<i>Location</i>	<i>Side</i>	<i>Ord. No.</i>	<i>Date</i>
Northwest Railroad Street	5 parking spaces	West side of railroad track, north side of N.C. 50	-	1-13-1998

(1990 Code, Chapter 77, Schedule III) (Ord. passed 9-22-1983; Ord. passed 7-17-1990; Ord. passed 7-13-1993; Ord. 2-13-2001) Penalty, see § 70.99

SCHEDULE IV: LOADING AND UNLOADING ZONES.

(A) The following locations shall be designated as freight curb loading zones:

<i>Street</i>	<i>Location</i>	<i>Ord. No.</i>	<i>Date</i>
East Harnett Street	From South Market Street for 150 feet east	-	11-11-1985

(B) (1) The 208 East Main Street now allows parking on the street from 5:00 a.m. till 9:00 p.m. daily;

(2) It is necessary to designate two parking places “Loading Zone” during 9:00 p.m. to 11:00 p.m. at 208 East Main Street; and

(3) The area afore mentioned be designated as a “Loading Zone” from 9:00 p.m to 11:00 p.m. (1990 Code, Chapter 77, Schedule IV) (Ord. passed 12-12-2000) Penalty, see § 70.99

SCHEDULE V: PUBLIC CARRIER STOPS AND STANDS.

The following streets or portion of streets shall be reserved as stands for that specific purpose: none.
(1990 Code, Chapter 77, Schedule V) Penalty, see § 70.99

SCHEDULE VI: HANDICAPPED PARKING.

The following locations shall be designated as handicapped parking areas:

<i>Street</i>	<i>Location</i>	<i>Ord. No.</i>	<i>Date</i>
Brocklyn Street	One parking space at 701 South Whittington Street	-	10-14-1997
East Church Street	The area along the northern right-of-way located in a westerly direction 128 feet from the intersection of Elm Street and East Church and running 72 feet in a westerly direction to a point in the northern right-of-way of East Church Street	-	2-11-1992
East Hill Street	At Benson Pentecostal Church	-	7- -1996
South Market Street	At Main Street	-	7- -1996
West Main Street	100 Block	-	7- -1996

(1990 Code, Chapter 77, Schedule VI)

