

AMENDMENT TO TITLE VII, TRAFFIC CODE,  
OF THE HUNTERSVILLE CODE OF ORDINANCES

**AN ORDINANCE TO AMEND TITLE VII, TRAFFIC CODE,  
OF THE HUNTERSVILLE CODE OF ORDINANCES**

Be it ordained by the Board of Commissioners of the Town of Huntersville that TITLE VII, TRAFFIC CODE, OF THE HUNTERSVILLE CODE OF ORDINANCES, is hereby amended as follows:

Section 1. That TITLE VII, TRAFFIC CODE OF THE HUNTERSVILLE CODE OF ORDINANCES is amended as reflected on Exhibit A, attached hereto and incorporated by reference.

Section 2. That this ordinance shall become effective upon adoption.

I certify that the foregoing Ordinance to Amend Title VII, Traffic Code, of the Huntersville Code Of Ordinances was adopted by the Town Board of Commissioners on September 3, 2019.

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Janet Pierson, Town Clerk

Approved as to form:

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Town Attorney

## CHAPTER 70 - GENERAL PROVISIONS

### Sec. 70.01 - Official traffic map.

- (A) An Official Traffic Map shall be kept on file in Town Hall, showing any of the following regulations applicable within the town:
- (1) Location of traffic control devices;
  - (2) Regulations applicable to parking, loading, bus stops or taxicab stands;
  - (3) Speed limits;
  - (4) Location of through streets;
  - (5) Stop intersections;
  - (6) Yield/right-of-way intersections;
  - (7) Waiting lanes;
  - (8) One-way streets;
  - (9) Truck traffic routes;
  - (10) Regulations upon vehicle turns at designated locations.
- (B) The Map shall constitute the official codification of town ordinances or resolutions regarding those areas of traffic regulation enumerated by this section.

('93 Code, § 14-26; Am. Ord. passed 3-1-99; Am. Ord. O-2012-05, passed 6-18-12)

**State Law reference**— Authority to city to codify traffic regulations by use of official traffic maps, see G.S. § 160A-77

### Sec. 70.99 - Penalty.

- (A) For violation of this title, except for Section 71.02 (A)(11) and (A)(12), any member of the Police Department of the town has the power to issue a citation to any owner of the violating vehicle or the person in control of the vehicle, and the person so cited shall pay a civil penalty of \$25.00. If the penalty is not paid within 15 days of the date of the citation, there shall be an additional late fee civil penalty of \$10.00. Payment of penalty and/or late fee shall be made at the Town Hall or by mail.
- (B) For violation of Section 71.02 (A)(11) and (A)(12), there shall be a civil penalty of \$100.00, which civil penalties shall be delinquent after 72 hours from the issuance of the citation. If the penalty is not paid within such 72-hour period, there shall be an additional late fee civil penalty of \$10.00 for each day that the penalty is delinquent.
- (C) When a violation of the parking regulations set forth in Section 71.02 (A)(11) and (A)(12) is detected by an officer or by persons designated by the Town Manager to photograph handicapped parking violations, an officer or person so designated shall obtain the necessary information on the vehicle, the operator and/or the owner, and an officer shall issue in writing a citation to be delivered by an officer in person, affixed on the vehicle by an officer, or by first-class mailing, giving notice to answer the charge within 72 hours at the office of the Town Clerk.
- (D) The Town Manager shall have the authority to designate persons to photograph those handicap parking violations prohibited in Section 71.02 (A)(11) and (A)(12).
- (E) All penalties paid or as may be recovered in a civil action in the nature of debt, as herein provided, shall be paid to the town at such time and under such regulations as may be prescribed by the Town Manager.

- (F) Unless otherwise specified, each day's continuing violation of any section of Chapter 71 shall be a separate and distinct offense.
- (G) A violation of this chapter shall not constitute an infraction or misdemeanor punishable under G.S. § 14-4.
- (H) Notice to the Owner.

(1) If the person cited for the violation of Chapter 71 of this Code is not the registered owner of the vehicle, the Town shall also give written notice of the violation to the registered owner. The notice may be delivered by regular mail or in person. Huntersville Police Department shall, in addition to other Town officials as designated by the Town Manager, be authorized to deliver this notice to the registered owner. The registered owner shall be liable for such violation upon the receipt of the notice of violation from the Town, unless Subsection 70.99(H)(2) below prohibits such liability of the owner.

(2) The registered owner of a vehicle that has been leased or rented to another person or company shall not be liable for a violation of Chapter 71 of this Code if, after receiving notification of the violation within 90 days of the date of occurrence, the owner, within 30 days thereafter, files with Huntersville Police Department an affidavit including the name and address of the person or company that leased or rented the vehicle. If the registered owner of the vehicle has not received notice of the violation within 90 days from the date of the violation from the Town, the owner is not required to provide the name and address of the lessee or renter, and the owner shall not be held responsible for the violation.

('93 Code, § 14-53; Ord. 94-07, passed 6-7-94; Am. Ord. passed 3-1-99; Am. Ord. O-2012-05, passed 6-18-12)

## CHAPTER 71 - STOPPING, STANDING AND PARKING

Sec. 71.01 - Parking prohibited or restricted in areas designated as "No Parking".

- (A) No person shall park a vehicle on any portion of a public street designated as "No Parking" after signs have been erected or pavement or curb markings have been made prohibiting parking at such places. As used in this paragraph a designated "No Parking" area shall include all portions of the public street right of way, whether or not such portions have been paved or constructed as a street.
- (B) On any street or portion thereof upon which parking is prohibited at certain specified times, no person shall park a vehicle at such place during the prohibited times after signs have been erected or pavement or curb markings have been made prohibiting parking during such times.
- (C) The Town Manager or his/her designee shall have the power to designate locations and times of prohibited and restricted parking, and this chapter shall be effective as to such locations and times upon and after the erection of signs or pavement or curb markings have been made prohibiting or restricting parking.
- (D) Notwithstanding any other provision of this section, the Chief of Police is empowered to put into effect special restrictions on parking or temporarily permit parking in otherwise prohibited areas or times, when justified by special temporary emergency conditions, but not to exceed a continuous period of 48 hours.

('93 Code, § 14-51; Am. Ord. passed 3-1-99; Am. Ord. O-2012-05, passed 6-18-12)

**Editor's note**— Penalty, see Section 70.99.

Sec. 71.02 - Parking prohibited in specific places.

- (A) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:
- (1) On a sidewalk;
  - (2) In front of a public or private driveway;
  - (3) Within an intersection;
  - (4) Within 15 feet of a fire hydrant;
  - (5) On a crosswalk;
  - (6) Within 20 feet of a crosswalk unless expressly marked or posted as a parking space;
  - (7) Within 30 feet of a flashing beacon, stop sign or traffic control signal located at the side of the roadway unless expressly marked or posted as a parking space;
  - (8) Within 20 feet of the driveway entrance to any fire station;
  - (9) Along or opposite any street excavation or construction when such stopping, standing or parking would obstruct traffic;
  - (10) On any median, unless the vehicle is disabled or at the direction of a police officer, and then only temporarily for a period not to exceed 24 hours;
  - (11) In violation of G.S. § 20-37.6, or otherwise in a space designated with a sign for handicapped persons, unless the vehicle displays the distinguishing license plates or placard specified in G.S. § 20-37.6;
  - (12) In violation of G.S. § 20-37.6 or otherwise in such a location as to obstruct a curb ramp or curb cut for handicapped persons;
  - (13) In any area designated as a fire lane, including those in a shopping center or mall parking lots and other public vehicular areas;
  - (14) On the side of a street facing in other than the direction of travel;
  - (15) On the roadway side of any vehicle stopped or parked at the edge or curb of a street (double parking);
  - (16) Upon any bridge or other elevated structure upon a street or within a street tunnel;
  - (17) On a street or publically maintained alley so as to leave available less than twelve (12) feet of the width of the roadway or marked travel lane;
  - (18) Within a designated bike lane unless expressly marked or posted as a parking space;
  - (19) Within a turn lane, including but not limited to centerlane turn lanes.
- (B) No person shall stop, stand or park in a roadway so as to obstruct vehicular travel in a traffic lane. 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, with the curbside wheels of the vehicle within 12 inches of the edge of the curb or

edge of the roadway if there is no curb. On streets that have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks or signs.

- (1) 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.
  - (2) 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.
- (C) The sections of this chapter regulating the operation, parking and standing of vehicles shall not apply to:
- (1) Police, Fire Department and fire patrol vehicles, or ambulances and emergency service vehicles, or public transportation vehicles, when an exemption from such sections is reasonably necessary in the actual discharge of official duties and responsibilities; or
  - (2) Vehicles of public service corporations when an exemption from such sections is reasonably necessary in the actual installation or repair to public service equipment on or above streets and sidewalks.
  - (3) This section shall not operate to relieve the driver of any such vehicle from the duty to drive with due regard for the safety of all persons and property using the streets, nor shall this section protect the driver of any such vehicle from the consequences of his or her reckless disregard of the safety of others.

('93 Code, § 14-52; Ord. 94-07, passed 6-7-94; Am. Ord. passed 3-1-99; Am. Ord. O-2012-05, passed 6-18-12)

**Editor's note**— Penalty, see Section 70.99.

Sec. 71.03 - Parking prohibited for specific purposes.

It shall be unlawful to stop, stand or park a vehicle or detached trailer on a street for the principal purpose of:

- (A) Advertising;
  - (B) Displaying the vehicle or detached trailer for sale;
  - (C) Washing, greasing or repairing the vehicle or detached trailer, except for repairs necessary by emergency; or
  - (D) Storage of the vehicle or detached trailer.
- (1) For the purpose of this section, a vehicle or detached trailer shall be deemed to have been left on the street for the principal purpose of storage when it has been standing in one place for a continuous period of more than 72 hours.
  - (2) This division shall apply to any detached trailer.
  - (3) This division shall apply to a vehicle that is left standing in front of its owner's residence only when the vehicle does not have a license plate or has an expired license plate.

(Ord. O-2012-05, passed 6-18-12)

**Editor's note**— Penalty, see Section 70.99.

Sec. 71.04 - Standing for loading only.

- (A) It shall be unlawful to 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 zone.
- (B) It shall be unlawful to 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 at any place marked as a loading zone, during the hours when the provisions applicable to loading zones are in effect. In no case shall a stop for loading and unloading of materials exceed the posted time limit.

(Ord. O-2012-05, passed 6-18-12)

**Editor's note**— Penalty, see Section 70.99.

Sec. 71.05 - Loading and Unloading Vehicles.

- (A) It shall be unlawful to operate a vehicle in such manner as to prevent the use of any street, or portion thereof, for the purpose of travel for a period of time longer than five minutes. It shall be unlawful to stop a vehicle within an intersection or on a crosswalk for the purpose of receiving or discharging passengers.
- (B) When parking for purposes of loading or unloading, no vehicle shall be allowed to extend past the curb or lateral edge of the roadway. Storage, loading and unloading shall be done with the vehicle parked parallel to the curb only, with the curbside wheels of the vehicle within 12 inches of the edge of the curb or edge of the roadway if there is no curb.
- (C) It shall be unlawful to load or unload a vehicle from any area designated as a No Parking area. For purposes of this paragraph, "No Parking area" shall include all areas where parking is prohibited by the terms of this ordinance or otherwise designated as No Parking, regardless of whether the designation is temporary, during restricted hours only, or without restrictions as to time or duration.

(Ord. O-2012-05, passed 6-18-12)

**Editor's note**— Penalty, see Section 70.99.

Sec. 71.06 - Parking of oversized vehicles.

It shall be unlawful to park any motor vehicles in excess of 80 inches in width or in excess of 23 feet in length, or any trailer, on the streets within the corporate limits of the town at any time, except when engaged in loading and unloading, during the time when a licensed contractor is providing a professional service, for emergency services, or for temporary use at construction sites during the period of active construction.

(Ord. O-2012-05, passed 6-18-12)

**Editor's note**— Penalty, see Section 70.99.

Sec. 71.07 - Towing of vehicles parked in violation of Chapter 71 of the Code.

Any vehicle parked in violation of Chapter 71 of this Code may be towed pursuant to Chapter 92 of the Town of Huntersville Code of Ordinances, or as otherwise allowed by the laws of the State of North Carolina.

(Ord. O-2012-05, passed 6-18-12)

Section 71.08 (Reserved)

(Ord. O-2012-05, passed 6-18-12)

Sec. 71.09 - Definitions.

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

*Crosswalk* means

- (1) That portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections.
- (2) Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

*Driver* means the operator of a vehicle, as defined in this section. The terms "driver" and "operator" and their cognates are synonymous.

*Highway* means 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 purposes of vehicular traffic. The terms "street" and "highway" and their cognates are synonymous.

*Intersection* means the area embraced within the prolongation of the lateral curblines or, if none, the lateral boundary lines of the roadways of two or more highways that join one another at any angle, whether or not one such highway crosses the other. Where a highway includes two roadways 30 feet or more apart, every crossing of each roadway of the divided highway by an intersecting highway shall be regarded as a separate "intersection." If the intersecting highway also includes two roadways 30 feet or more apart, every crossing of the two roadways of the highway shall be regarded as a separate "intersection."

*Median* means that portion of a street or highway that physically separates the lanes of vehicular traffic.

*Motor vehicle* means every vehicle that is self-propelled, and every vehicle designed to run upon the highways that is pulled by a self-propelled vehicle. This does not include mopeds as defined in G.S. § 105-164.3.

*Official time standard* means whenever certain hours are named in this chapter, they shall mean eastern standard time or daylight savings time as may be in current use in the town.

*Official traffic control devices* means all signs, signals, markings and devices, whether temporary or permanent, not inconsistent with this chapter, placed or erected by proper authority for the purpose of regulating, warning or guiding traffic or parking, including parking meters.

*Official traffic signal* means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

*Operator* means a person in actual physical control of a vehicle that is in motion or has its engine running. The terms "operator" and "driver" and their cognates are synonymous.

*Park* means the standing of a vehicle, whether occupied or not.

*Pedestrian* means any person afoot.

*Police officer* means any officer of the Huntersville Police Department and any other officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

*Private road* and *private driveway* means every road or driveway not open to the use of the public, as a matter of right for the purpose of vehicular traffic.

*Railroad* means a carrier, including the town, of persons or property upon cars, other than streetcars, operated upon stationary rails.

*Right-of-way* means the privilege of the immediate use of the roadway.

*Roadway* means that portion of a street improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. If a highway includes two or more separate roadways, the term "roadway" refers to any such roadway separately, but not to all such roadways collectively.

*Safety zone* means the traffic island or other space officially set aside within a highway for the exclusive use of pedestrians, and that is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a "safety zone."

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

*Standing* means any stopping of a vehicle, whether occupied or not.

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

*Stop* and *stopping* means when prohibited, any stopping of a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control sign or signal.

*Street* means a highway, as defined in this section. The terms "street" and "highway" and their cognates are synonymous.

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

*Vehicle* means every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved by human power or used exclusively upon fixed rails or tracks. For the purposes of this chapter, bicycles shall be deemed vehicles, and every rider of a bicycle upon a highway shall be subject to the sections of this chapter applicable to the driver of a vehicle, except those which by their nature can have no application. This term shall not include a device designed for and intended to be used as a means of transportation for a person with a mobility impairment, or who uses the device for mobility enhancement, suitable for use both inside and outside a building, including on sidewalks, and limited by design to 15 miles per hour when the device is being operated by a person with a mobility impairment, or who uses the device for mobility enhancement. This term shall not include an electric personal assistive mobility device as defined in G.S. § 20-4.01(7a).

(Ord. O-2012-05, passed 6-18-12)

## CHAPTER 72 - TRAFFIC CONTROL DEVICES

### Sec. 72.02 – Locating Traffic Control Devices.

The Town Manager, or his/her designee, shall have the authority to determine the need for and to designate the locations of traffic control devices upon the public streets within the corporate limits of the Town. All traffic control devices shall conform to the standards of the Manual on Uniform Traffic



Control Devices for Streets and Highways, published by the United States Department of Transportation, and any supplement to that Manual adopted by the North Carolina Department of Transportation, as required by N.C.G.S. § 136-30.

Sec. 72.02 - Unauthorized interference.

No person without lawful authority shall 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. In addition to the civil penalties provided for in Section 70.99, violation of this section shall be a misdemeanor punishable by a fine not to exceed \$50.00 as provided for in G.S. § 14-4.

(Ord. O-2012-05, passed 6-18-12)

Sec. 72.03 - Display of unauthorized signs, signals or markings.

- (A) It shall be unlawful to place, maintain or display upon or in view of any street or highway, any unauthorized sign, signal, marking or device that purports to be, is an imitation of or resembles an official traffic control device or railroad sign or signal, that attempts to direct the movement of traffic, or that hides from view or interferes with the effectiveness of any traffic device or any railroad sign or signal.
- (B) It shall be unlawful to place or maintain any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information of a type that cannot be mistaken for official signs.
- (C) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance, and the town may remove the sign, signal or marking, or cause it to be removed, without notice.

(Ord. O-2012-05, passed 6-18-12)

**Editor's note**— Penalty, see Section 70.99.

CHAPTER 73. SPEED LIMITS WITHIN THE CORPORATE LIMITS.

Sec. 73.01. Town Streets. The Town Board of Commissioners may determine by ordinance the speed limit upon all public streets which are not part of the State highway system; but no speed so fixed shall authorize a speed in excess of 55 miles per hour. Speed limits set pursuant to this subsection shall be effective when appropriate signs giving notice thereof are erected upon the part of the streets affected.

Section 73.02 Streets Maintained by the North Carolina Department of Transportation. The Town Board of Commissioners may adopt an Ordinance to set the speed limit for public streets which are part of the State highway system; but no speed so fixed shall be effective until the North Carolina Department of Transportation has adopted a concurring ordinance and appropriate signs giving notice thereof are erected upon the part of the streets affected.