GENERAL ORDINANCES

ARTICLE I. STOPPING, STANDING, AND PARKING GENERALLY*

***State law reference(s)** - Authority of city to regulate on street parking, N.C.G.S. Section 160A-301, parking generally, N.C.G.S. Section 20-161-20-163; Prima facie rule of evidence for enforcing parking regulations, N.C.G.S. Section 20-162.1; N.C.G.S. 160A-175, enforcement of ordinances.

STOPPING, STANDING OR PARKING PROHIBITED IN CERTAIN PLACES AND FOR CERTAIN PURPOSES

Section 1-1

It shall be unlawful for the driver of any vehicle to stop such vehicle in or upon any street or alley within the corporate limits of the Village of Lake Park, except for purpose of parking as provided for in this Article, unless such stop is made necessary by the approach of fire apparatus, by the approach of a funeral procession, by the stopping of a public conveyance, by the reason of traffic signals, in the exercise of the rights of turning at an intersection or upon entering an intersection, by the passing of another vehicle, for a pedestrian, by reason of any emergency or by order of a law enforcement officer.

Section 1-2. Prohibited In Certain Places.

1. No person shall stop, stand or park a motor vehicle, tractor-trailer, commercial vehicle, recreation type vehicle including motor homes or detached trailer, except when necessary to avoid conflict with other traffic or in compliance with the directions of a law enforcement officer or a traffic-control device in any of the following places:

(a) On a sidewalk;
(b) On a crosswalk;
(c) In front of a public or private driveway;
(d) Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a street or roadway;
(e) Along side or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic;
(f) On the roadway side of any vehicle stopped, standing or parked at the edge or curb of a street;
(g) In, or on the space between a sidewalk and a public street;
(h) In, or on the area between a public street and the first six (6) feet of grass on the side of a public street where there is no sidewalk;
(i) Within a street intersection;
(j) Within fifteen (15) feet of a fire hydrant;
(k) Within twenty (20) feet of a crosswalk;

(l) Within thirty (30) feet of an intersection;
(m) Within the circular portion of any cul-de-sac;
(n) In, or on any common area of the Village of Lake Park;
(o) In, or on any park;
(p) At any place where official signs prohibit stopping.

2. These provisions do not apply to emergency vehicles.

3. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

State law reference(s) – Parking near fire hydrant, fire station or private driveway, G.S. Section 20-162.

Section 1-3. Prohibited For Certain Purposes.

It shall be unlawful for any person to stand or park a vehicle upon any street or alley of the Village of Lake Park for the principal purpose of:

(a) Displaying it for sale;
(b) Washing, greasing or repairing such vehicle, except for repairs necessitated by an emergency;
(c) Storage thereof by garages, dealers or other persons when such storage is not incident to the bona fide use and operation of such automobile or other vehicle;
(d) Storage of any detached trailer or van when the towing unit has been disconnected or for the purpose of transferring merchandise or freight from one vehicle to another;
(e) Unless otherwise regulated, parking of any tractor-trailer, commercial vehicle, or recreation type vehicle including motor homes, boats, etc., for more than one hour on any given day.

Section 1-4. Parking Not To Obstruct Traffic.

In any area within the corporate limits of the Village of Lake Park where parking spaces are not marked on the pavement, are not designated as "no parking" zones and are not otherwise restricted by this Article from the parking of a vehicle, all vehicles shall be parked, stopped or standing parallel to the curb or the edge of the pavement and as far right of the centerline as possible, leaving at least 12 feet of clear unobstructed roadway for the safe passage of other vehicles. At no time may a vehicle be directly across the street from another vehicle unless there will be 12 feet of roadway open between the two vehicles.

Section 1-5. Parking In Alleys.

No person shall park, stand or stop any vehicle within an alley in such a manner or under such conditions as to leave available less than twelve (12) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an

alley in such position as to block the driveway entrance to any abutting property or to park on the grass.

Section 1-6. No Parking For Purposes Of Advertising.

It shall be unlawful for any person to stand or park any vehicle on any street for the primary purpose of advertising unless such owner or driver thereof shall have obtained written permission of the Village Council of the Village of Lake Park.

Section 1-7. Standing Or Parking On One-Way Roads.

In the event a street or roadway is restricted to one direction upon any such street or roadway, no person shall stop, stand or park a vehicle upon the left-hand side of such one-way street or roadway unless signs are erected to permit such stopping, standing or parking.

Section 1-8. Handicapped Parking Spaces.

When official signs are erected indicating no parking except for the handicapped, no person other than the handicapped shall park a vehicle in such designated place.

Section 1-9. Prohibited At All Times In Certain Locations.

Parking, standing or stopping a vehicle shall be prohibited at all times and at all locations:

(a) When signs are placed, erected or installed giving notice thereof or the curbing has been painted yellow in lieu of such signs, no person shall stop, stand or park a vehicle at any time upon any of the streets designated on the official traffic maps of the Village as areas where parking is prohibited at all times.

(b) No commercial vehicle of over three fourths (3/4) ton capacity shall be parked upon either side of any residential street or alley so designated on the official traffic maps of the village.

(c) No person shall park any recreational vehicle, boat or trailer of any kind on any public street within the corporate limits at any time.

(d) No person shall stop, stand, or park any commercial vehicle, bus, trailer, etc., on any street except for the temporary purpose of transacting business (e.g. moving vans, parcel delivery vehicles, etc.).

(e) When the vehicle has any of the following conditions:

i. One or more flat tires;

ii. Is covered by a tarp, casing, sheet or other covering that does not allow for proper identification of the vehicle registration plate, vehicle make or vehicle model; or

iii. Has affixed to the vehicle any registration plate that is expired, altered, disguised, illegible or concealed in any manner in violation of Chapter 20 of the North Carolina General statutes.

Section 1-10. Prohibitions Regarding Other Miscellaneous Vehicles.

It shall be unlawful for any person to stop, stand, park or otherwise leave unattended any commercial motor vehicle, dump truck, excursion passenger vehicle, horse trailer, property hauling vehicle, school bus, school activity bus or any other type of passenger or commercial vehicle that exceeds two rear axles or four tons in or on any driveway, street, common area, park, front yard or alley provided, however, the provisions of the section do not apply to the following:

(a). The temporary parking for the loading or unloading of moving vans or trucks;

(b). The stopping, standing or parking when necessary to avoid conflict with other traffic or in compliance with law or the direction of a law enforcement officer or traffic-control device;

(c). The normal stoppage of commercial vehicles or buses for taking on and discharging passengers or freight;

(d). The stopping, standing or parking of any governmental, emergency or utility vehicle as required by the performance of a legitimate governmental, emergency or utility-related function;

(e). The stopping, standing or parking of any construction or demolition equipment, provided such equipment is being used during an active and ongoing construction or demolition project;

(f). An emergency resulting from a breakdown that requires repairs to the vehicle;

(g). The parking of any campers or trailers in the rear yard of any single-family dwelling;

(h). Any other purpose that has been reviewed and authorized by the Town Council of the Village of Lake Park.

Section 1-11. Limited In Certain Locations.

No person shall park a vehicle between the hours of 12:00 am and 6:00 am upon the parking lot immediately adjacent to the Village Community Center.

Section 1-12. Time Limits In Certain Locations.

(a) When signs are placed, erected or installed in each block giving notice thereof, no person shall park a vehicle for longer than two (2) hours at any time upon any of the streets designated on the official traffic maps of the Village as areas where parking is limited to two hours.

(b) When signs are placed, erected or installed in each block giving notice thereof, no person shall park a vehicle for longer than one (1) hour at any time upon any of the streets designated on the official traffic maps of the Village as areas where parking is limited to one hour.

(c) The changing of the position of a vehicle from one point directly to another point within the same block shall be deemed one continuous parking period.

Section 1-13. Penalties And Enforcement.

(a) Notwithstanding any other provisions of this Code or Article, violations of the provisions of this Article shall subject the offender to a civil penalty as authorized by N.C.G.S. Section 160A-175(c) upon the issuance of a citation for said violation as hereinafter provided.

(b) Upon the issuance of a citation provided for herein the owner or operator, if different from the owner, of the motor vehicle in violation shall pay a civil penalty in the amount of $10.00 within fifteen (15) calendar days after the issuance of the citation. Upon failure to pay the citation within fifteen (15) calendar days, a late penalty of $40.00 will be assessed for each citation not paid within the time required.

(c) If the penalty is not paid as provided in subsection (b) herein above a notice shall be mailed via the United States Postal Service to the operator, if known, or the registered owner of the vehicle in violation if the operator is not known, within ninety (90) days of the date of occurrence enclosing a copy of the citation and stating that unless the civil penalties set forth are paid within thirty (30) calendar days after mailing of the notice or the operator or owner complies with subsection (d) herein below, the Village of Lake Park will seek civil remedies in the nature of a debt to collect same.

(d) If the notice prescribed in subsection (c) herein above is mailed to the registered owner of the vehicle in violation it shall contain a further statement that if the registered owner of the vehicle in violation or his or her duly authorized agent did not commit the violation or the vehicle was leased or rented to another person or entity, then the registered owner must come to the office of the Village Administrator within the thirty (30) period provided for in subsection (c) herein above and sign an affidavit to that effect and further providing the name and all known contact information for the person or entity in violation. Upon signing said affidavit further proceedings for the collection of said civil penalty against said registered owner shall cease. If said registered owner shall fail to sign said affidavit within the time prescribed herein it shall be prima facie evidence in any court in the State of North Carolina that the registered owner of said vehicle in violation was the person, firm or corporation committing the violation.

(e) The Village of Lake Park shall request that local law enforcement administer and enforce the terms of this Article. Nothing in this Article shall be construed to limit the legal authority or powers of local law enforcement in enforcing other laws or in otherwise carrying out their duties. The provisions contained herein

shall not prohibit or prevent the implementation or use of any other enforcement provision as authorized by this Article, or State or Federal law.

(f) The enforcement and interpretation of this ordinance shall not include an interpretation that any violation of its conditions is subject to being a misdemeanor or infraction as provided by North Carolina General Statute 14-4.

Section 1-14. Towing Of Vehicles In Violation.

(a) Any car or other vehicle parked on any street or other area where parking is prohibited under the provisions of this ordinance may be removed, towed away and stored as authorized by North Carolina General Statute 160A-303. All notice and hearing procedures required by North Carolina General Statute Section 160A-303 and Article 7A, Chapter 20 are to be complied with by the Village of Lake Park.

(b) The Mayor or Village Administrator, in compliance with Section 1-14(a) of this ordinance, may authorize the removal, towing and storage of any car or vehicle in violation of this ordinance.

(c) The owner of the motor vehicle shall be liable for any costs incurred in the removal, storage, and subsequent disposition of a vehicle, cargo, or other personal property under the authority of this section.

Section 1-15. Continuing Violations.

Each day of a continuing violation shall constitute a separate violation subject to citation and enforcement under the terms and conditions set forth within this ordinance.

Section 1-16. Severability.

Should any section or provision of this ordinance be declared unconstitutional or invalid, such declaration shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 1-17. Effective Date(s).

The provisions of Article I of the General Ordinances originally became effective on November 15th, 2000. It was subsequently amended without restatement with the following effective dates: March 12th, 2002, February 10th, 2004, August 10th, 2004, November 11th, 2008, July 14th, 2009, and November 9th, 2010.

This amendment and restatement of Article I of this ordinance shall become effective on the date set forth herein below (the "Effective Date"). The Ordinance is restated in this manner solely to facilitate review by the reader by obviating the need to integrate multiple documents.

Though amended, this Ordinance shall be deemed to be continuously in effect such that enforcement of violations committed prior to the Effective Date shall continue unaffected.

Section 1-18. Effective Date

This Ordinance shall become, as amended, effective on and after 8/8, 2017

Adopted the 8 day of August, 2017.

David Cleveland
Mayor

Attested:

Cheri Clark
Village Administrator

OFFICIAL SEAL OF THE VILLAGE OF
LAKE PARK
INCORPORATED
1994
UNION COUNTY, NORTH CAROLINA