



TOWN COUNCIL AGENDA

PUBLIC HEARING

May 15, 2018 @ 5:45 p.m.

CALL TO ORDER – Mayor Bloszinsky

OPENING AND PURPOSE OF HEARING – Mayor Bloszinsky

The purpose of this public hearing is to receive public comments on proposed amendments to Chapter 10 on Motor Vehicles and Traffic of the Code of Ordinances.

Official notice of this public hearing was posted on the town's website and bulletin board on May 2, and was advertised in the Island Gazette on May 9, 2018, to meet with public notification requirements per N.C.G.S. 159-12.

Proposed amendments:

- Clarify language in the current code on ticketing and payment of fines
- Prohibit the parking of vehicles in the right of way (area where utility poles are located)
- Prohibit parking in the street unless in a clearly designated parking space
- Prohibit parking on Town utility easements
- Allow towing for any parking violation
- Restrict parking of unattached, non-passenger vehicles such as trailers

PUBLIC COMMENTS

Please sign up at the podium

CLOSING OF PUBLIC HEARING – Mayor Bloszinsky

MOTION TO ADJOURNMENT

2018 DRAFT ORDINANCE AMENDMENTS
CODE OF ORDINANCES
CHAPTER 10 MOTOR VEHICLES AND TRAFFIC, ARTICLE VI, DIVISIONS I AND 2

That Chapter 10 (Motor Vehicles and Traffic), Article VI (Stopping, standing and parking), Division 1 (Generally), **Section 201** (Parking for the purpose of making repairs) of the Code of Ordinances is hereby amended by deleting existing language and replacing with language in bold letters

Section 201 currently reads: Parking for the purpose of making repairs

No person shall park any vehicle in the streets or public ways of the town for the purpose of repairing such vehicle, except in case of emergency.

Amended Section 201 will read: Definitions

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

***Driveway.* An area allowing ingress and egress to private residences that is not open to public vehicular traffic.**

***Intersection.* The lateral edge of roadway lines of two or more streets or highways, which join one another at any angle regardless whether one such street or highway crosses the other.**

***Motorcycle.* A vehicles having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including autcycles, motor scooters, and motor-driven bicycles but excluding tractors and utility vehicles equipped with an additional form of device designed to transport property, three-wheeled vehicles while being used by law-enforcement agencies, electric assisted bicycles, and mopeds.**

***Moped.* A non-passenger vehicle, other than a motor-driven bicycle or electric assisted bicycle, that has two or three wheels, no external shifting device, a motor that does not exceed 50 cubic centimeters piston displacement and cannot propel the vehicle at a speed greater than 30 miles per hour on a level surface. The motor may be powered by electricity, alternative fuel, motor fuel, or a combination of each.**

***Owner.* A person holding legal title to a vehicle. For the purposes of this article, the lessee of a vehicle shall be considered the owner of the vehicle.**

***Park.* The standing of a vehicle, whether occupied or not, other than temporarily for the purpose of loading or unloading.**

***Passenger Vehicle.* Registered golf carts, motorcycles, and four-wheel vehicles, including pick-up trucks, panel trucks, and vans, which do not exceed 10,000 pounds, which are not used in a delivery or freight business and/or to carry passengers for a fee.**

2018 DRAFT ORDINANCE AMENDMENTS
CODE OF ORDINANCES
CHAPTER 10 MOTOR VEHICLES AND TRAFFIC, ARTICLE VI, DIVISIONS I AND 2

Property-Hauling Vehicles.

(a) **Vehicles used for the transportation of property.**

(b) **Semitrailers. Vehicles without motive power designed for carrying property or persons and for being drawn by a motor vehicle, and so constructed that part of their weight or their load rests upon or is carried by the pulling vehicle.**

(c) **Trailers. Vehicles without motive power designed for carrying property or persons wholly on their own structure and to be drawn by a motor vehicle.**

***Public Right-of-Way.* A strip of land acquired for or dedicated to public transportation purposes over which is constructed a street or highway and which includes areas adjacent thereto which may be used for, without limitation, sidewalks, planting strips, traffic circles, and/or medians.**

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

***Street/Highway.* The entire width of a roadway between property or right-of-way lines when any part thereof is open to the use of the public for the purpose of vehicular traffic.**

***Vehicle.* Every device in or upon which any person or property may be transported or drawn upon a street or highway excepting devices moved by human power or used exclusively upon stationary rails or tracks provided that, for the purpose of this chapter, a bicycle, moped, or a ridden animal shall be deemed a Vehicle but shall not be deemed a Passenger Vehicle.**

That Chapter 10 (Motor Vehicles and Traffic), Article VI (Stopping, standing and parking), Division 1 (Generally), **Section 202** (Parking on plaza), Code of Ordinances is hereby amended by deleting existing language and replacing with language in italics

Section 202 Currently reads: Parking on plaza

It shall be unlawful for any person to park any vehicle upon any portion of any street in the town known or designated as a plaza; provided, however, that curbing has been erected.

Amended Section 202 Will Read: Obedience to Police

No person shall refuse to comply with any lawful order or direction of a police officer.

2018 DRAFT ORDINANCE AMENDMENTS
CODE OF ORDINANCES
CHAPTER 10 MOTOR VEHICLES AND TRAFFIC, ARTICLE VI, DIVISIONS I AND 2

That Chapter 10 (Motor Vehicles and Traffic), Article VI (Stopping, standing and parking), Division 1 (Generally), **Section 203** (Parking on sidewalks) of the Code of Ordinances is hereby amended by deleting existing language and replacing with language in italics

Section 203 currently reads: Parking on sidewalks

It shall be unlawful for any person to park any vehicle at any time on the sidewalk.

Amended Section 203 will read: Civil penalty for violations

(a) Any owner or operator of a vehicle violating the provisions of this article shall be subject to a civil penalty in the amount of twenty-five dollars (\$25.00) for each violation.

(b) *Generally.* The owner or operator of any vehicle who has been notified of a violation of this article may, within the time specified in the notice, present himself or herself by mail or in person with the notice or ticket at the Police Department and answer the violations noted thereon by voluntarily paying the civil penalty specified on the notice or ticket. Any vehicle owner/operator receiving a notice or ticket hereunder shall be permitted to pay the civil penalty without contesting the violation by appearing in person at the Town of Kure Beach, 117 Settlers Lane, Kure Beach, NC 28449 within 15 days of issuance of the notice or ticket.

(c) *Construction.* The civil penalty provided for herein shall in no event be construed to be enforced fines or forfeitures and shall instead be construed as civil penalties, which offenders may voluntarily pay for violations of this article. Such penalty shall be paid within 15 days of the issuance of the notice or ticket or the civil penalty shall be recovered by the town in a civil action in the nature of a debt.

(d) *Disposition of proceeds.* All civil penalties paid to the town for violations of this article shall be paid into the town's General Fund.

That Chapter 10 (Motor Vehicles and Traffic), Article VI (Stopping, standing and parking), Division 1 (Generally), **Section 204** (Parking upon left side of street) of the Code of Ordinances is hereby amended by deleting existing language and replacing with language in bold type below

Section 204 currently reads: Parking upon left side of street

It shall be unlawful for any person to park any vehicle upon the left side of any street except when permitted on one-way streets.

Amended Section 204 will read: Ticketing of vehicles

2018 DRAFT ORDINANCE AMENDMENTS
CODE OF ORDINANCES
CHAPTER 10 MOTOR VEHICLES AND TRAFFIC, ARTICLE VI, DIVISIONS I AND 2

Required. Whenever an officer of the town's Police Department charged with enforcing this article finds that any of its provisions are being or have been violated by the owner or operator of a vehicle, the officer shall notify the owner or operator of the violation by conspicuously attaching a notice or ticket, in such form as the Police Chief may determine, to the vehicle.

(b) *Contents.* The notice or ticket shall require the owner or operator to appear before the Police Chief or his or her designee within 15 days after such notice is given and answer to same or to return such ticket or notice by mail with the civil penalty provided for in Sec. 10-203 above. Failure to meet this deadline shall result in a twenty-five dollar (\$25.00) late fee.

(c) *Personal appearance.* The personal appearance of the owner or operator receiving a notice or ticket shall not be necessary provided that the payment of the civil penalty is received by the town within 15 days of the notice or ticket's issuance.

That Chapter 10 (Motor Vehicles and Traffic), Article VI (Stopping, standing and parking), Division 1 (Generally), **Section 205** (Reserved) of the Code of Ordinances is hereby amended by adding a new section Towing and impoundment with language in bold type below

Section 205 currently reads: Reserved

Amended Section 205 will read: Towing and impoundment

(a) Any motor vehicle found parked in violation of the provisions of this article may be towed or caused to be towed by the town or any police officer thereof to a storage site and shall be retained there until the owner of such vehicle pays all fines and costs imposed as a result of violating this article together with all towing, storing and advertising charges. The town or police officer is further authorized to tow or cause to be towed and impound motor vehicles parked in no parking zones and in loading and unloading zones that are not in the actual performance of loading and unloading.

(b) The town shall give notice of such towing to the vehicle's owner in accordance with the provisions of N.C.G.S. § 20-219.11

That Chapter 10 (Motor Vehicles and Traffic), Article VI (Stopping, standing and parking), Division 1 (Generally), **Section 206** (Reserved) of the Code of Ordinances is hereby amended by adding a new section Redemption with language in bold type below

Amended Section 206 will read: Redemption

Upon being stored, the owner of any seized vehicle may, within 10 days of the seizure, prove his or her ownership of the vehicle, the vehicle shall be returned to the owner upon

2018 DRAFT ORDINANCE AMENDMENTS
CODE OF ORDINANCES
CHAPTER 10 MOTOR VEHICLES AND TRAFFIC, ARTICLE VI, DIVISIONS I AND 2

such proof, and the owner’s payment of all fines and costs imposed as a result of the violation together with all towing, storing and advertising charges.

That Chapter 10 (Motor Vehicles and Traffic), Article VI (Stopping, standing and parking), Division 1 (Generally), **Section 207** (Reserved) of the Code of Ordinances is hereby amended by adding a new section Redemption with language in bold type below

Amended section 207 will read: Effect of failure to redeem

In the event an owner fails to redeem the seized vehicle and pay all charges and costs associated with the vehicle’s seizure within 10 days following the maturity of his/her obligation to so pay, the vehicle may be sold in accordance with the provision of Article 1, Chapter 44A of the North Carolina General Statutes.

That Chapter 10 (Motor Vehicles and Traffic), Article VI (Stopping, standing and parking), Division 1 (Generally), **Sections 205 - 221** (Reserved) of the Code of Ordinances is hereby amended by changing 205 to 208 as in old type below

Currently reads:
Sections 205-221 Reserved

Amended section will read: Sections 208-221 Reserved

That Chapter 10 (Motor Vehicles and Traffic), Article VI (Stopping, standing and parking), Division 2 (Parking rules), **Section 222** (Manner of parking) of the Code of Ordinances is hereby amended by deleting existing language and replacing with language in bold type below

Section 222 currently reads: Manner of parking

All vehicles, when parked on any street or highway within the Town’s jurisdictional limits where parallel parking is permitted within designated parking spaces, shall be parked such that the wheels of the vehicle are entirely within one designated parking space. Vehicles are prohibited from parking on said streets and highways in any space that is not a designated parking space. For the purposes of this section, a “designated parking space” shall mean and be construed as a rectangular space designated on the pavement with painted white lines; provided that, however, diagonal lines on the pavement adjacent to a handicap parking space do not constitute a designated parking space

Amended Section 222 will read: Parking in general and manner of parking

2018 DRAFT ORDINANCE AMENDMENTS
CODE OF ORDINANCES
CHAPTER 10 MOTOR VEHICLES AND TRAFFIC, ARTICLE VI, DIVISIONS I AND 2

a) Passenger vehicles shall be parked only in designated parking spaces excepting property owners and lessors in the town’s residential districts who shall be permitted to park their vehicles within the front yard setback of the property they own or lease in accordance with the applicable provisions of chapter 19 of the town code.

(b) Passenger vehicles when parked in designated spaces for parallel parking shall be so parked that the curbside wheels of the vehicle shall not be more than twelve (12) inches from the curb.

(c) Passenger vehicles when parked in designated spaces for diagonal parking shall be so parked that the vehicle’s front wheels are immediately adjacent to the parking bumper or curb.

(d) Passenger vehicles shall be parked in designated parking spaces such that the overall dimensions of the vehicle shall be entirely within the parking space as designated.

(e) Violations of this section shall subject the offender to the imposition of a civil penalty as provided for in Sec. 10-203 herein.

(f) The prohibitions in this article shall not apply to emergency and public service vehicles whose operators are performing services for which they are responsible not shall these prohibitions apply to vehicles belonging to or operated by employees of third-party vendors under contract with the town to provide a public service.

That Chapter 10 (Motor Vehicles and Traffic), Article VI (Stopping, standing and parking), Division 2 (Parking rules), **Section 223** (Vehicles exceeding sixteen (16) feet in length) of the Code of Ordinances is hereby amended by deleting existing language and replacing with language in bold type below

Section 223 currently reads: Vehicles exceeding sixteen (16) feet in length

No vehicle exceeding sixteen (16) feet in length shall be parked upon any street in the town, except parallel with the curb. When any such vehicle is parked in any street it shall be so parked that the rear wheel next to the curb shall not be more than twelve (12) inches from the curb.

Amended Section 223 will read: Non-passenger vehicles

Only passenger vehicles shall be permitted to park in the town’s designated parking spaces and all other vehicles, including property-hauling vehicles, are prohibited from parking in the designated spaces.

2018 DRAFT ORDINANCE AMENDMENTS
CODE OF ORDINANCES
CHAPTER 10 MOTOR VEHICLES AND TRAFFIC, ARTICLE VI, DIVISIONS I AND 2

That Chapter 10 (Motor Vehicles and Traffic), Article VI (Stopping, standing and parking), Division 2 (Parking rules), **Section 224** (Parking prohibited on all streets at all times for the following vehicles generally) of the Code of Ordinances is hereby amended by deleting existing language and replacing with language in bold type below:

Section 224 currently reads: Parking prohibited on all streets at all times for the following vehicles generally

No vehicle exceeding twenty-two (22) feet in length or any trailer, U-Haul trailer, utility trailer mobile home or delivery truck shall be parked upon any streets, right-of-way or designated parking area, in the town except for the purpose of loading or unloading/ It shall be unlawful for any person to park or leave standing on the streets, right-of-way or designated parking area in the town any vehicle or trailer of dimension or description set forth in this section at night, except when it is necessary to load or unload such vehicle or trailer. For the purpose of this section the parking of such vehicle or trailer at night shall be construed to mean parking at any time between the hours of sunset and sunrise.

Amended Section 224 will read: Designation of parking spaces, areas, and zones

(a) The Public Works department shall, when authorized and directed to do so by Town Council, lay off and designate by appropriate signage and markings, parallel and diagonal parking spaces, limited parking spaces, reserved parking spaces, loading zones, and no parking areas.

(b) Parallel and diagonal parking spaces shall be marked on the ground and each space shall not exceed 20 feet in length.

That Chapter 10 (Motor Vehicles and Traffic), Article VI (Stopping, standing and parking), Division 2 (Parking rules), **Section 225** (Parking where streets are marked for diagonal parking) of the Code of Ordinances is hereby amended by deleting existing language and replacing with language in bold type below

Section 225 currently reads: Parking where streets are marked for diagonal parking

No vehicle exceeding twenty (20) feet in length shall at any time be parked upon any of the streets in the town where such streets are marked by lines drawn on the same and which lines are drawn at an angle of approximately forty-five (45) degrees, and where parking is known as diagonal parking; however, commercial vehicles may be parked horizontally for a period not exceeding fifteen (15) minutes for loading or unloading on any street where diagonal parking is allowed.

2018 DRAFT ORDINANCE AMENDMENTS
CODE OF ORDINANCES
CHAPTER 10 MOTOR VEHICLES AND TRAFFIC, ARTICLE VI, DIVISIONS I AND 2

Amended Section 225 will read: Parking in time-limited spaces

Whenever a parking space is signed and marked as limiting the time or conditions under which a vehicle may be parked, no person shall park or let stand a vehicle in such space except in conformity with the signs and markings erected thereat.

That Chapter 10 (Motor Vehicles and Traffic), Article VI (Stopping, standing and parking), Division 2 (Parking rules), **Section 226** (Parking during daylight hours) of the Code of Ordinances is hereby amended by deleting existing language and replacing with language in bold type below

Section 226 currently reads: Parking during daylight hours

It shall be unlawful for any person to park or leave standing on the streets in the town any motor vehicle, or other vehicle the dimensions of seven (7) feet wide and an over-all length of twenty-five (25) feet during the daylight hours from sunrise to sunset, unless such vehicle is parked parallel to the curb and not more than one (1) foot therefrom, and is parked at least thirty (30) feet from the property line at any street intersection. Any such vehicle when necessity requires may be parked nearer an intersection when required for the purpose of loading and unloading.

Amended Section 226 will read: No parking areas

Whenever signs or markings are placed, erected, or installed giving notice thereof, no person shall park a vehicle at any time in an area signed or marked as a no parking area.

That Chapter 10 (Motor Vehicles and Traffic), Article VI (Stopping, standing and parking), Division 2 (Parking rules), **Section 227** (Beach access parking) of the Code of Ordinances is hereby amended by **changing the section number from 227 to 230**

Section 227 currently reads: Beach access parking (NOTE – existing Section 227 is renumbered to Section 230 do not delete)

Amended Section 227 will have the following new language: Stopping in streets prohibited; exceptions

No vehicle shall stop in or on any street, except for the purpose of parking as prescribed in this chapter, unless such stop is made necessary by the approach of emergency vehicles, the approach of a funeral or some other procession that legally has the right-of-way on the roadway, or by some other emergency. In all cases covered by these

2018 DRAFT ORDINANCE AMENDMENTS
CODE OF ORDINANCES
CHAPTER 10 MOTOR VEHICLES AND TRAFFIC, ARTICLE VI, DIVISIONS I AND 2

exceptions, the vehicle shall be stopped so as not to obstruct any pedestrian walkway, safety zone, bike or multi-use path, crosswalk or intersection if it can be avoided.

That Chapter 10 (Motor Vehicles and Traffic), Article VI (Stopping, standing and parking), Division 2 (Parking rules), **Section 228** (Parking at night) of the Code of Ordinances is hereby amended by deleting the entire section and replacing with language in bold type below

Section 228 currently reads: Parking at night

It shall be unlawful for any person to park or leave standing on the streets in the town any vehicle of the dimensions set forth in section 10-226 at night, except when it is necessary to load or unload such vehicle. For the purpose of this section the parking of such vehicle at night shall be construed to mean parking at any time between sunset and sunrise.

Amended Section 228 will read: Parking for certain purposes prohibited

No person shall park a vehicle on any part of a public right-of-way for the purpose of:

- (a) Displaying it for sale.**
 - (b) Washing, cleaning, waxing, greasing or repairing the vehicle, excepting repairs necessitated by an emergency.**
 - (c) Vehicle storage by a garage, mechanic, repair shop, dealer or some other person/entity.**
 - (d) Storage of any detached trailer or van, when the towing unit has been disconnected.**
 - (e) Transferring merchandise or freight from one vehicle to another.**
 - (f) Using the vehicle for advertising.**
 - (g) Overnight parking except for purposes of loading or unloading or as otherwise provided for herein; overnight meaning, for the purpose of this sub-section, between the hours of sunset and sunrise.**
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2018 DRAFT ORDINANCE AMENDMENTS
CODE OF ORDINANCES
CHAPTER 10 MOTOR VEHICLES AND TRAFFIC, ARTICLE VI, DIVISIONS I AND 2

That Chapter 10 (Motor Vehicles and Traffic), Article VI (Stopping, standing and parking), Division 2 (Parking rules), **Section 229** (Parking prohibited on certain streets at all times) of the Code of Ordinances is hereby amended by deleting the entire section and replacing with language in bold type below

Section 229 currently reads: Parking prohibited on certain streets at all times

It shall be unlawful for any person at any time to park or leave standing any vehicle in the last parking space, or the western most parking space, in the 100 block of K. Avenue (N.E. corner of Fort Fisher Boulevard S. & K. Avenue) which shall be marked **POLICE PARKING ONLY**. This space shall be designated as a tow away zone where expense shall be borne by the operator or owner of such vehicle who violates this parking provision as well as receiving an appropriate parking violation.

Amended Section 229 will read: Parking prohibited at certain places

Whether the vehicle is attended or unattended, no person shall stop, stand, or park any portion of any vehicle, except when conflict with other traffic is imminent or when directed to do so by a police officer or traffic-control device, in any of the following places:

- (a) On a sidewalk**
- (b) In a crosswalk**
- (c) In a bike or multi-use path**
- (d) Within an intersection**
- (e) Within 10 feet of an intersection**
- (f) In front of a driveway**
- (g) Within 10 feet of a fire plug or hydrant**
- (h) On any part of a public right-of-way facing opposing traffic**
- (i) Within 15 feet, on the seaward side, of any private or public beach access points**
- (j) In a designated Handicapped parking space without the proper license plate, placard, or other evidence showing that a handicapped permit has been issued to the vehicle's operator by the proper authority**
- (k) On any public property, including parking lots, parks, and recreational areas, except as otherwise provided for**

2018 DRAFT ORDINANCE AMENDMENTS
CODE OF ORDINANCES
CHAPTER 10 MOTOR VEHICLES AND TRAFFIC, ARTICLE VI, DIVISIONS I AND 2

(I) On any part of a public right-of-way except by passenger vehicles in designated parking spaces as set forth in this article

That Chapter 10 (Motor Vehicles and Traffic), Article VI (Stopping, standing and parking), Division 2 (Parking rules), **Section 230** (Marking off of parking spaces) of the Code or Ordinances is hereby amended by renaming the section title, deleting the lined through language and adding the language in bold type below:

Section 230 currently reads: Marking off of parking spaces

~~a.~~It shall be unlawful for any person to park or leave standing on any public beach access parking area any motor vehicle between the hours of 1:00 a.m. and 5:00 a.m. between the months of April 1 and October 1 of each year on the following beach access areas:

Table listing beach accesses remains as it is with no amendments*

~~b. Penalty: Any person violating this section shall pay a fifty dollar (\$50.00) fine.~~

Amended Section 230 will read: Beach access parking (section currently exists as section 227)

It shall be unlawful for any person to park or leave standing on any public beach access parking area any passenger vehicle between the hours of 1:00 a.m. and 5:00 a.m. between the months of April 1 and October 1 of each year on the following beach access areas:

Table remains as it is with no amendments*

That Chapter 10 (Motor Vehicles and Traffic), Article VI (Stopping, standing and parking), Division 2 (Parking rules), **Sections 231 (Signs or markers), 232 (Designation and marking off of spaces), 233 (Parking or blocking bike path prohibited), 234 (Time limit Parking B2 and B3 Districts Only), 235 (Size of vehicles), 236 (Parking on public property prohibited) and 237 (Penalty)** of the Code of Ordinances are hereby amended by deleting the entire sections and making them reserved

Currently reads: Sections 238-245 Reserved

Amended to read: Sections 231 – 245 Reserved
