



Introduced by: Administration

Date: 11/19/2015

**AN ORDINANCE AMENDING THE PARKING REGULATIONS
WITHIN THE TOWN OF LELAND AS SET FORTH IN ARTICLE II
OF CHAPTER 24 OF THE CODE OF ORDINANCES,
TOWN OF LELAND, NORTH CAROLINA**

BE IT ORDAINED:

1. That Article II of Chapter 24 of the Code of Ordinances, Town of Leland, North Carolina, is amended to read as follows:

ARTICLE II. – PARKING

Sec. 24-31. Authority.

The Town is authorized to regulate parking within the city limits in accordance with the provisions of N.C.G.S. §160A-301. This authority includes the authority to regulate, restrict and prohibit the parking of vehicles on public streets, alleys and bridges within the Town.

Sec. 24-32. - Where parking is prohibited.

No person, except the operator of an emergency vehicle during an emergency, a law enforcement officer or other public employee required to so park in the performance of his duties, shall park any vehicle on any public street in any of the following locations:

- (a) In such a manner as to leave available less than twelve (12) feet of the width of the roadway for the free movement of vehicular travel;
- (b) In front of a private driveway as provided in N.C.S.G. §20-162; or directly across there from.
- (c) Within fifteen (15) feet of either direction of a fire hydrant or the entrance to a fire station as provided in N.C.G.S. §20-162;
- (d) Within twenty-five (25) feet of the intersection of curb lines, or if none, then within fifteen (15) feet of the intersection of property lines at an intersection of highways, except that this paragraph shall not apply to buses temporarily stopping in properly designated locations ;
- (e) Within an intersection or in front of any alley;

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- (f) Within twenty (20) feet of any ground-mounted traffic signal, stop sign or yield sign;
- (g) On a sidewalk, sidewalk area or plaza, sidewalk extension through a driveway;
- (h) On the roadway side of any vehicle stopped, standing or parked at the edge of a curb or street; i.e. no double parking.
- (i) Alongside or opposite any street excavation or obstruction when such parking or standing would obstruct traffic;
- (j) Upon any bridge, overpass or other elevated structure or within any tunnel or other underpass structure;
- (k) On either side of any street at the approaches to a bridge, an underpass or an overhead bridge within fifty (50) feet in either direction of the outer edge of such structure;
- (l) On either side of any street leading to a grade crossing within fifty (50) feet of the closest rail; provided that where existing permanent structures are located closer than fifty (50) feet parking may be permitted in front of such structures unless otherwise prohibited, and if such parking does not block the view in either direction of the approach of a locomotive or train;
- (m) On the left side of any street in the direction of vehicular travel, except where permitted on one-way roadways;
- (n) In any marked bus stop, except for buses;
- (o) Within any marked traffic lane;
- (p) On any median;
- (q) On any crosswalk;
- (r) Within twenty (20) feet of a crosswalk or handicap ramp;
- (s) In any designated street parking space or other approved parking area in a public right-of-way for more than a 24 hour continuous period of time.
- (t) On any unpaved areas within public rights-of-way.



Sec. 24-33. - Where parking is allowed.

(a) Parking is allowed in on-street parking spaces in public rights-of-way where designated by signs and/or marked pavement.

(b) Parking in areas not specifically described in subsection (a) and not specifically prohibited in Sec. 24-32 is allowed only by permit.

Sec. 24-34. - Parking permits.

(a) A short-term special event parking permit issued by the town may be obtained to allow parking within the town on rights-of-way of areas not specifically restricted in Sec. 24-32.

(b) Residents of the Town of Leland may apply for Special Event Parking Permits. Each residential address would be eligible for up to 25 temporary 1-day special event visitor parking permits per event for use for guest vehicles valid for residential parking by permit only areas subject to approval by the Police Chief, or his designee. There shall be no charge for such permits. The approval or denial of permits is based upon many factors, including, but not limited to, other permits requested or issued in the same area, abuse of parking privileges in the area, other events scheduled in the area, and emergency access requirements for the area.

(c) Residents wishing to acquire residential parking permits must contact Town of Leland Police Department in advance of special events such as weddings, parties, receptions, etc., if you live within a residential area that allows on- street parking by permit only. The police department shall be provided with the date, time and number of permits needed. An application form as required by the police department must be completed. Applications for permits must be submitted at least five business days prior to an event.

(d) Permits will not be issued to any applicant that has unpaid parking violations on record with the Town. Permits are only valid on Town rights-of-way posted for permit parking.

Sec. 24-35. - Additional General Parking Restrictions.

The Town Manager or his/her designee, may install no-parking signs, parking by permit only signs, curb markings, space markings, or other traffic-control devices, to indicate where parking and standing are prohibited as provided herein but enforcement of the provisions of this Article is not dependent on the installation of such devices.

Sec. 24-36. - Parking Restrictions for Commercial Vehicles and Trailers.



(a) No person shall park any detached trailer or a truck and trailer combination longer than 40 linear feet on any rights-of-way within the town.

(b) No person shall park a commercial vehicle on any rights-of-way within the town between the hours of 9:00 p.m. and 5:00 a.m. Provided that parking a commercial vehicle in such a manner while the operator is actively engaged in business shall not be a violation of this section. The burden of proof is placed on the person who received the citation to prove that he or she was actively engaged in business at the time the citation was issued.

(c) Commercial vehicles as defined in Sec. 24-40 may park on residential streets without a Special Event Parking Permit for the purpose of providing deliveries and services from 6:00 a.m. until 9:00 p.m.

Sec. 24-37. - Enforcement and Fees.

(a) Police officers of the Town of Leland conduct regular patrols of the residential parking permit zones.

(b) It is illegal to use or display a false or counterfeit permit issued under the provisions of Sec. 24-34 above.

(c) Violations of the provisions of this Article II shall subject the offender to a civil penalty in the amount of \$10.00 to be recovered by the Town in a civil action in the nature of debt. In the event the offender does not pay the penalty within 60 days of the date of issuance of such penalty, the penalty shall increase to \$50.00. In accordance with G.S. §160A-175(b), a violation of the provisions of this Article II – Parking shall not be subject to the penalty provisions of G.S. §14-4 and shall not be considered a breach of the penal laws of the state.

Sec. 24-38. - Designated fire lanes.

(a) Pursuant to the provisions of N.C.G.S. §20-162(b) and for the protection and safety of the lives and property of the citizens of the town, there are established certain fire lanes, both on private property which constitutes a public vehicular area as that term is defined by N.C.G.S. §20- 4.01(32) and on any public drive, driveway, road, roadway, street, alley or other surface generally used or reserved for the movement or parking of motor vehicles.

(b) All fire lane designations will be made by the Town Manager or the Town Manager's designee upon recommendation of the police chief or other public safety official. Designations shall be clearly marked by appropriate aboveground signs or signs in pavement markings, and a list of such designations shall be maintained on file in the town clerk's office.



(c) Fire lanes may be designated on any drive, driveway, road, roadway, street, alley or other surface generally used or reserved for the movement or parking of motor vehicles when the parking or placing of vehicles or obstructions in the area designated as a fire lane would interfere with the proper ingress or egress of firefighting trucks or other emergency vehicles, equipment or personnel.

(d) The person in possession of the property on which a designation of a fire lane is made shall be responsible for installation and maintenance of the required signs or pavement markings. All signs and pavement markings utilized under the provisions of this section shall be approved by the town manager or his designee.

(e) No person shall park a vehicle or permit it to stand, whether attended or unattended, or put or place any other object, structure or obstruction, in a fire lane which has been established and properly marked under the provisions of this section; however, persons loading or unloading supplies or merchandise may park temporarily in a fire lane located in a shopping center or mall parking lot as long as the vehicle is not left unattended. It shall be lawful for governmental vehicles or nongovernmental emergency vehicles, including rescue squad vehicles, to stop, stand or travel within such fire lanes when required to do so in the performance of their official duties.

Sec. 24-39. Appeals.

(a) The denial, revocation, or suspension of a parking permit, or the issuance of civil penalties, may be appealed within ten (10) days after notice of such action. An appeal must be made in writing and delivered to the office of the town manager within 10 days of the action which is the subject of the appeal.

(b) Any person failing to file an appeal in the manner described in subsection (a) above shall be deemed to have lost his/her right to appeal. Appeals shall be heard by the town manager or the town manager's designee within 30 days of the end of the 10 day appeal period specified in subsection (a) above. At the conclusion of the appeal, the town manager shall issue a written decision. The decision of the town manager shall be final.

(c) Lack of knowledge of the Town's parking regulations, conflicts or tardiness in going to or returning from appointments, or inability to find a valid parking space, are not acceptable grounds for granting relief to an appealing party.

Sec. 24-40. Definitions.

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

Commercial vehicle shall mean a vehicle owned or used by a business, corporation, limited liability company, association, partnership, a sole proprietorship or any other entity conducting business for a commercial purpose.

Standing means to halt a vehicle, for reasons not demanded by traffic law, while receiving or discharging passengers, waiting for passengers, or receiving or discharging merchandise or other goods.

2. If this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable.

3. Any ordinance or any part of the ordinance in conflict with this Ordinance, to the extent of such conflict, is hereby repealed.

4. This Ordinance is adopted in the interest of public health, safety and general welfare of the inhabitants of the Town of Leland, North Carolina, and shall be in full force and effect from and after its adoption.

Brenda Bozeman, Mayor

Adopted at a regular meeting
on November 19, 2015.

Attest:

Sabrena Reinhardt, Town Clerk

(SEAL)

Approved as to Form:

John C. Wessell III, Town Attorney

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