

## CHAPTER 70: GENERAL PROVISIONS

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### **GENERAL PROVISIONS**

#### **§ 70.01 DEFINITIONS.**

For the purpose of this chapter, 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 ambulances and emergency vehicles of municipal departments or public service corporation as are designed or authorized by the Chief of Police.

***BICYCLE.*** Every device propelled by human power upon which any person may ride, having 2 tandem wheels, either of which is over 20 inches in diameter.

**BLOCK.** A portion of any street located between any 2 intersections of any 2 streets or public alleyways next adjacent to each other.

**COMMERCIAL VEHICLE.** Every vehicle designed, maintained, or used primarily for the transportation of property.

**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 highway, street or roadway except at the points only and in a manner as may be determined by the public authority having jurisdiction over the highway, street or roadway.

**CROSSWALK.** That portion of any street or roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections. Any portion of a roadway or street distinctly indicated for pedestrian crossing by lines or other markings on the surface of the street or roadway.

**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.** Every person who shall drive or who shall be in actual physical control of the operation of any vehicle.

**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.** The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of the 2 highways which join one another at or approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

**LANED ROADWAY.** A roadway which is divided into 2 or more clearly marked lanes for vehicular traffic.

**MOTOR VEHICLE.** Every vehicle which is self-propelled and every vehicle designed to run upon the streets which is pulled by a self-propelled vehicle.

**MOTORCYCLE.** Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground, but excluding a tractor.

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

**OFFICIAL TRAFFIC CONTROL DEVICE.** Any sign, signal, marking or device, nor inconsistent with this chapter, placed or erected by authority of the governing body by a designated official having jurisdiction through authority given by the governing body, for the purpose of regulating warning, prohibiting or guiding traffic upon the public streets and thoroughfares of the town.

**OFFICIAL TRAFFIC SIGNALS.** Any device, whether manually, electrically or mechanically operated, whereby traffic is alternately directed to stop and to proceed, or to turn, or to proceed with caution,

**PARK.** The standing of any vehicle, whether occupied or unoccupied, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading passengers or cargo.

**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.

**POLICE OFFICER.** Every peace officer of the town, including every employee of the town authorized and empowered to regulate traffic and to make arrests for any violations of the provisions of this chapter.

**PRIVATE ROAD OR DRIVEWAY.** Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

**PUBLIC CONVEYANCE.** Any vehicle other than a taxicab or railroad train for transporting persons for a fare.

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

**ROADWAY.** That portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes 2 or more separate roadways, the term **ROADWAY** as used herein shall refer to any roadways separately but not to all roadways collectively.

**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.

**STANDING.** Any stopping of any vehicle, whether or not the vehicle is occupied during the period of stopping.

**STOP.** When required means the complete cessation of movement of any vehicle.

**STOP** or **STOPPING.** When prohibited, means any stopping of any vehicle, except when the stopping means that it shall be necessary to stop the vehicle to avoid conflict with other traffic or in compliance with direction of any peace officer of the town or by reason of any traffic control sign or signal or by reason of any emergency.

**STREET** and **HIGHWAY.** The entire width between property 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.

**THROUGH HIGHWAY.** Every street or 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 chapter.

**TRAFFIC.** Pedestrians, ridden or herded animals, vehicles of all kinds, conveyances, tractors, bicycles, motorcycles and the like, either singly or together, while using any street or alleyway for travel, including the operation of, the loading or unloading of or the parking of any vehicle upon any of the public streets of the town.

**VEHICLE.** Every device used in, upon, or by which any person or property is or may be transported or drawn upon any street within the corporate limits, and for the purposes of this chapter any bicycle shall be deemed a vehicle.

(1978 Code, § 7-1001)

**Statutory reference:**

*Motor vehicles, see G.S. Ch. 20*

*Municipal authority to regulate traffic generally, see G.S. § 160A-300*

**§ 70.02 AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS.**

(A) It shall be the duty of the officers of the Police Department to enforce all street traffic laws and all of the state vehicle laws applicable to street traffic.

(B) Officers of the Police Department are 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.

(1978 Code, § 7-1011)

**§ 70.03 OBEDIENCE TO POLICE AND FIRE DEPARTMENT OFFICIALS.**

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or Fire Department official.

(1978 Code, § 7-1012)

**§ 70.04 AUTHORIZED EMERGENCY VEHICLES.**

The provisions of this chapter regulating the operation, parking, and standing of vehicles shall apply to authorized emergency vehicles, as defined in this chapter, except provided under state law.

(1978 Code, § 7-1013)

**Statutory reference:**

*Emergency vehicles, exceptions to right-of-way rules, see G.S. § 20-156*

**§ 70.05 MOTOR VEHICLE REGISTRATION.**

(A) *All motor vehicles to be registered.* Every motor vehicle resident in the town shall be registered and licensed, and the Town Clerk shall make and keep a permanent record thereof. (1978 Code, § 7-2001)

(B) *License tags and fee.* The owner of every motor vehicle registered under this chapter shall pay to the town annually for the registration and licensing of the motor vehicle a fee of \$1, for which a license tag shall be issued. The license tags so issued shall be displayed on the front or rear of the motor vehicle so licensed and registered in such a manner as to be clearly visible.

(1978 Code, § 7-2002)

***TRAFFIC CONTROL DEVICES***

**§ 70.20 OBEDIENCE TO SIGNS, MARKERS OR DEVICES, GENERALLY.**

Any person failing or refusing to comply with the directions indicated on any sign, marker or device for the control or direction of traffic erected or placed in accordance with the provisions of this chapter when placed or erected shall be guilty of a misdemeanor. This section shall not be construed to apply when the driver of a vehicle is otherwise directed by a police officer or when an exception is granted to the driver of an authorized emergency vehicle under § 70.04.

(1978 Code, § 7-1021)

**§ 70.21 SIGNS AS PREREQUISITE TO ENFORCEMENT.**

No provisions of this chapter 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 an ordinarily observant person.

(1978 Code, § 7-1022)

**§ 70.22 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 1 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 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; provided, however, that 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 not allowed are set out in the traffic schedules hereof.

- (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) *Erection of new signs.* 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.

**§ 70.23 FLASHING SIGNALS.**

Whenever flashing red or yellow signals are used, they shall require obedience by vehicular traffic as follows.

- (A) *Flashing red (stop signal).* When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall *come to* a complete stop before entering the nearest crosswalk at an intersection or at a limit line when marked, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign. In no event shall the vehicle be driven into the crosswalk unless and until the entry can be made with safety to other persons and property at the place.
- (B) *Flashing yellow (caution signal).* When a yellow lens is illuminated with rapid intermittent flashes, drivers or operators of vehicles may proceed through the intersection past the signal only with caution.

(1978 Code, § 7-1024)

**§ 70.24 INTERFERENCE WITH OFFICIAL TRAFFIC CONTROL DEVICES, SIGNS, OR SIGNALS.**

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

(1978 Code, § 7-1025)

**§ 70.25 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.

(1978 Code, § 7-1026) Penalty, see § 10.99

**§ 70.26 ZONE OF QUIET.**

Whenever authorized signs are placed indicating a zone of quiet, the person operating a motor vehicle within the zone shall not sound the horn or any other warning device, except in an emergency. (1978 Code, § 7-1027)

**§ 70.27 SCHOOL ZONES,**

Whenever authorized signs are placed designating any street or part thereof as a school zone, drivers of motor vehicles using the street shall exercise the greatest care for the protection of children. (1978 Code, § 7-1028)

**§ 70.28      YIELD SIGNS.**

- (A) The driver of a vehicle approaching a yield sign erected at these intersections described in the Traffic Schedules shall, and in obedience to the sign, slow down and yield the right-of-way to any pedestrian crossing the roadway on which he is driving and to any vehicle in movement on the main traveled or through highway or street which is approaching so as to arrive at the intersection at approximately the same time as the vehicle entering the main traveled or through street or highway.
- (B) The driver of the vehicle approaching a yield sign, if required to stop, shall stop before entering the crosswalk on the near side of the intersection; or in the event there is no crosswalk, at a clearly marked stopline; but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.
- (C) In accordance with the above, and when signs are erected giving notice thereof, drivers of vehicles, when entering designated or main traveled or through streets from intersecting streets in the direction or directions shown, shall yield the right-of-way to approaching pedestrians or vehicles.

(1978 Code, § 7-1029)