

TITLE VII: TRAFFIC CODE

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Statutory reference:

Powers of local authority, see G.S. § 20-169

Registration of vehicles, see G.S. § 20-84

Traffic control, see G.S. § 20-169

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.

AUTHORIZED EMERGENCY VEHICLE. Vehicles of the Fire Department, police vehicles and such ambulances designated or authorized by the Chief of Police.

BLOCK. A portion of any street located between two intersections next adjacent to each other.

BUSINESS DISTRICT. The territory contiguous to a highway when 50% or more of frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.

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

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DRIVER. Every person who drives or is in actual physical control of a vehicle.

INTERSECTION. The area embraced within the prolongation of the lateral curb lines or if none, then the lateral boundary lines of two or more highways which join one another at an angle whether or not one such highway crosses the other.

MOTOR VEHICLE. Every vehicle which is self-propelled.

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 DEVICES. All signs, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of the governing body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic

OFFICIAL TRAFFIC SIGNALS. Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

PARK. The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading and unloading.

PEDESTRIAN. Any person afoot.

PERSON. Every natural person, firm, co-partnership, association, or corporation.

POLICE OFFICER. Every officer of the municipal Police Department or any officer authorized to direct or regulate traffic or to make arrests for violation of traffic regulations.

PRIVATE ROAD or DRIVEWAY. Every road or driveway not open to the use of the public for purposes of vehicular travel.

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

RESIDENCE DISTRICT. The territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of 300 feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

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

ROADWAY. That portion of a street improved, designed or ordinarily used for vehicular travel.

SAFETY ZONE. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

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.

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STANDING. Any stopping of a vehicle, whether occupied or not.

STOP or STOPPING. When prohibited, **STOP** or **STOPPING**, means 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 or HIGHWAY. The entire width between property lines of every way or place or whatever nature when any part thereof is open to the use of the public, as a matter of right, for purpose of vehicular traffic.

TRAFFIC. Pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any street for purposes of travel.

VEHICLE. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks. However, for the purpose of this chapter, a bicycle or a ridden animal shall be deemed a vehicle. ('85 Code, § 70.01)

§ 70.02 AUTHORITY OF POLICE.

In the event of a fire or other emergency, or when necessary to expedite traffic or safeguard pedestrians, police officers may direct traffic as conditions may require notwithstanding the provisions of this chapter. ('85 Code, § 70.02)

§ 70.03 PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS.

The provisions of this chapter shall apply to the driver of any vehicle owned by, or used in the service of the United States Government, this state, county, or town and it shall be unlawful for any driver to violate any of the provisions of this chapter, except as otherwise permitted in this chapter, or by state statute. ('85 Code, § 70.03)

TRAFFIC CONTROL DEVICES

§ 70.15 OBEDIENCE REQUIRED.

(A) The driver of any vehicle shall obey the directions of any official traffic control device applicable thereto and placed in accordance with the traffic ordinances of this town, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in § 70.05 of this chapter.

(B) No provision 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. Whenever a particular section does not state that signs are required, the action shall be effective without signs being placed to give notice thereof. ('85 Code, § 70.15)

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§ 70.16 TRAFFIC CONTROL LEGEND.

Whenever traffic is controlled by traffic control signals exhibiting the words “Go,” “Caution,” or “Stop,” or exhibiting differently colored lights, successively, one at a time, the following colors only shall be used, and the terms and lights shall indicate 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 shall yield the right-of-way to other vehicles and to pedestrians, lawfully within the intersection 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 shall stop before entering the nearest crosswalk at the intersection, but if the stop cannot be made in safety, a vehicle may be driven cautiously through the intersection.

(2) Pedestrians facing the signal are advised that there is insufficient time to cross a roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.

(C) *Red alone, or “Stop.”*

(1) Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at an intersection, or at the other point as may be indicated by a clearly visible line, and shall remain standing until green or “Go” is shown alone.

(2) No pedestrian facing the signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

(D) *Red with green arrow.*

(1) Vehicular traffic facing the signal may cautiously enter the intersection only to continue the movement in the direction indicated by the arrow, but shall not interfere with other traffic.

(2) No pedestrian facing the signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.
(’85 Code, § 70.16) Penalty, see § 70.99

Statutory reference:

Control signs and signals, see G.S. § 20-158

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§ 70.17 NO-TURN SIGNS.

Whenever authorized signs are placed, erected, or installed indicating that no right or left or “U” turn is permitted, no driver of a vehicle shall disobey the directions of any sign. When authorized markers, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles traversing, or turning thereat, no driver of a vehicle shall disobey the directions of the indications. ('85 Code, § 70.17) Penalty, see § 70.99

§ 70.18 NO PARKING ZONE.

Whenever authorized signs or markings are placed, erected, or installed indicating no-parking zones or safety zones, no driver of a vehicle shall disobey the regulations in connection therewith. ('85 Code, § 70.18) Penalty, see § 70.99

§ 70.19 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 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.

(B) *Flashing yellow (Caution signal).* When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past the signal only with caution. ('85 Code, § 70.01) Penalty, see § 70.99

§ 70.99 PENALTY.

(A) Any violation of any provision of this chapter *for which no other penalty has been provided* shall subject the violator to a civil penalty in the sum of \$50 per day.

(1) A citation for the penalty shall be issued by the Police Chief or his designee. (Ord. revised 3-19-19)

(2) Each citation for a civil penalty must be paid within 96 hours of issuance.

(B) Any violation of § 72.17 shall subject the violator to a civil penalty in the sum of \$5 per day.

(C) Any violation of §§71.06, 72.03, 72.16, 73.06, 71.46, and 72.15 shall subject the violator to a civil penalty in the sum of \$10 per day. (Am. Motion passed 2-21-95) (Ord. revised 3-19-19)

(D) Each and every day that the violator continues in violation shall be a separate and distinct offense.

(E) The municipality may also, and in addition, seek any and all appropriate equitable remedies, injunctions, and/or abatement orders from the appropriate court of competent jurisdiction.