

TITLE VII: TRAFFIC CODE

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CHAPTER 70: GENERAL REGULATIONS

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GENERAL PROVISIONS**§ 70.01 DEFINITIONS**

For the purpose of this title, 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 Volunteer Fire Department, police vehicles, and ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the Police Chief.

BICYCLE

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

BLOCK

A portion of any street located between any two intersections of any two streets or public alleyways next adjacent to each

other.

COMMERCIAL VEHICLE

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

CROSSWALK

The portion of any street or roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections. Also, 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

(1) 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 two 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.

(2) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of that divided highway by an intersecting highway shall be regarded as a separate ***INTERSECTION***.

In the event the intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of the highways shall be regarded as a separate ***INTER-SECTION***.

LANED ROADWAY.

A roadway which is divided into two 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 three 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 savings time, as may be in current use in this town.

IOFFICIAL TRAFFIC-CONTROL DEVICE

Any sign, signal, marking, or device, not inconsistent with this title, 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.

PERSON

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

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 title.

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.

SIDEWALK

The 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 **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.

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

The portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

In the event that a highway includes two or more separate road-ways, the term ***ROADWAY*** as used herein shall refer to

any roadways separately but not to all roadways collectively.

SAFETY ZONE

The area or space officially set apart within any roadway for the exclusive use of pedestrians and which space shall be so protected or marked or indicated by visible and adequate markers or signs as shall be visible at all times while so set apart as a ***SAFETY ZONE*** for pedestrians.

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 when stop signs are erected as provided in this title.

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 or 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 title any bicycle shall be deemed a **VEHICLE**.

TRAFFIC-CONTROL SIGNS AND DEVICES

§ 70.15 OBEDIENCE TO TRAFFIC-CONTROL DEVICES; EXCEPTIONS.

(A) 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 subchapter when so placed or erected shall be guilty of a misdemeanor.

(B) 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 § 70.38.

Penalty, see § 70.99

§ 70.16 WHEN SIGNS REQUIRED FOR ENFORCEMENT.

No provisions of this subchapter 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.

§ 70.17 TRAFFIC-CONTROL SIGNAL LEGEND.

(A) Whenever traffic is controlled by traffic-control signals exhibiting the words, "Go," "Caution," or "Stop," or exhibiting different colored lights successively one at a time, or with arrows, the following colors only shall be used, and the terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows.

(1) *Green alone or "Go."*

(A) Vehicular traffic facing this 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.

(B) Pedestrians facing this signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) *Yellow alone or "Caution," when shown following the green or "Go" signal.*

(A) Vehicular traffic facing this signal is hereby 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.

(B) No pedestrian facing this signal shall enter the roadway until the green or "Go" signal is shown.

(3) *Red alone or "Stop."*

(A) Vehicular traffic facing this 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 the green or "Go" signal is shown alone.

Provided, however, that if a sign is not erected prohibiting turns on red lights, then vehicles may turn right on red lights after coming to a complete stop.

(B) No pedestrian facing this signal shall enter the roadway until the green or "Go" signal is shown alone, unless authorized to do so by a pedestrian ***"Walk" signal.***

(4) *Red with green arrow.*

(A) Vehicular traffic facing this 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.

(B) No pedestrian facing this signal shall enter the roadway until the green or "Go" signal is shown.

(C) 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.

Penalty, see § 70.99

§ 70.18 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.

Penalty, see § 70.99

§ 70.19 DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS, OR MARKINGS PROHIBITED

(A) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device

which purports to be or is an imitation of or resembles an official traffic-control device, sign, or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device, sign, or signal.

(B) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

Penalty, see § 70.99

§ 70.20 INTERFERENCE WITH OFFICIAL TRAFFIC-CONTROL DEVICES PROHIBITED.

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.

Penalty, see § 70.99

§ 70.21 TRAFFIC LANES.

When 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.

Penalty, see § 70.99

§ 70.22 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.

Penalty, see § 70.99

§ 70.23 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.

Penalty, see § 70.99

§ 70.24 YIELD SIGNS.

The driver of a vehicle approaching a yield sign erected at these intersections shall and in obedience to the sign slow down and yield the right-of-way to any pedestrian crossing the roadway on which he or she 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.

Penalty, see § 70.99

ADMINISTRATION AND ENFORCEMENT

§ 70.35 AUTHORITY OF POLICE AND VOLUNTEER FIRE DEPARTMENT OFFICIALS.

(A) It shall be the duty of the officers of the Police Department or those officers as are assigned by the Police Chief to enforce all traffic ordinances and all of the state vehicle laws applicable to traffic.

(B) Officers of the Police Department or those officers as are assigned by the Police Chief are hereby 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 Volunteer Fire Department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

(Ord. 11, passed 12-8-86)

§ 70.36 OBEDIENCE TO POLICE AND

VOLUNTEER FIRE DEPARTMENT OFFICIALS REQUIRED.

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

(Ord. 12, passed 12-8-86) Penalty, see § 70.99

vehicles, as defined in this chapter, except as provided under state law.

Statutory reference:

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

§ 70.99 PENALTY.

If any person shall violate an ordinance or code provision regulating the operation or parking of vehicles, he or she shall be responsible for a criminal summons and shall be required to pay a penalty of not more than \$50.

(G.S. § 14-4(b))

§ 70.37 POLICE USE OF RADAR AUTHORIZED.

The police force of the town is hereby authorized to use any and all radar units available, within the corporate limits, and to arrest all persons violating speed limits, based upon readings of the radar units.

(Ord. 3, passed 12-8-86)

§ 70.38 APPLICABILITY TO AUTHORIZED

EMERGENCY VEHICLES.

The provisions of this title regulating the operating, parking, and standing of vehicles shall apply to authorized emergency

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