

TOWN OF LANSING, NORTH CAROLINA
ON-STREET PARKING AND PARKING SIGNAGE ORDINANCE

(re-written 06-26-2018)

BE IT ORDAINED, by the Board of Aldermen of the Town of Lansing, North Carolina that the Ordinance, On-Street Parking and Parking Signage, is hereby written:

- 1.1 General Provision and Parking Regulation
- 1.2 Parking signage and right-of-way
- 1.3 Investigation
 - 1.3.1 Notification of Ashe County Sherriff's Office and towing
 - 1.3.2 Notice and probable cause hearing
 - 1.3.3 Notice of abatement
- 1.4 Appeal
- 1.5 Removal upon refusal to abate
- 1.6 Fees and Penalties
- 1.7 Severability Clause

Sec. 1.1 General Provision and Parking Regulation

The procedure set forth in this Ordinance shall be in addition to any other remedies that may now or hereafter exist under law for parking and parking signage violations, and this Ordinance shall not prevent the town from proceeding in a criminal action against any person violating the provisions of this Ordinance.

A. No person may park any vehicle or permit it to stand under any of the following conditions:

- 1. In violation of G.S. 136-18(5), which authorizes the North Carolina Department of Transportation to regulate parking upon any street which forms a link in the State highway system, if said street be maintained with State highway funds.
- 2. As provided in G.S. 20-162, in front of a private driveway.
- 3. Within an intersection or on a marked crosswalk.
- 4. On a sidewalk or on the space between the sidewalk and the curb.
- 5. In any portion of a roadway intended to carry traffic at the time such vehicle is parked or left standing.
- 6. On the roadway side of any vehicle stopped, standing, or parked at the edge of a curb or street.
- 7. Alongside or opposite any street excavation or obstruction when such parking or standing would obstruct traffic.
- 8. Upon any bridge, overpass, or other structure spanning a gap.

9. In any alley or street in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular travel or to block the driveway entrance to any abutting property.
10. In any parking space clearly marked as reserved for the handicapped, whether on public or private property unless the driver of or a passenger in such vehicle is handicapped.
11. On any street for the purpose of storage thereof by garages, dealers or other persons when such storage is not incidental to the bona fide use and operation of such vehicles.
12. On any street for the purpose of storage thereof any detached boat, camper, or trailer.
13. On any street in such a manner or under such conditions as to exceed four (4) parking spaces per household or business.

B. As authorized and defined in G.S. 160A-303 abandoned vehicle(s) left upon public streets or on public or private property within the municipality may be regulated per ordinance. The town may enforce any such ordinance by removing and disposing of junked or abandoned motor vehicles. For the purpose of this ordinance the term "motor vehicle" is defined to include all machines designated or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle. A motor vehicle is considered abandoned where it:

1. Has been left upon a street or highway in violation of a law or ordinance prohibiting parking; or
2. Is left on property owned or operated by the Town for longer than 24 hours; or
3. Is left on private property without the consent of the owner, occupant, or lessee thereof for longer than two hours; or
4. Is left on any public street or highway for longer than seven days or is determined by law enforcement to be a hazard to the motoring public.

C. As authorized and defined in G.S. 160A-303.2 junked motor vehicle(s) left upon public grounds and on private property within the municipality may be regulated per ordinance. For the purposes of this ordinance the term "junked motor vehicles" is taken from G.S. 160A-303.2 and means a vehicle that does not display a current license plate and that:

1. Is partially dismantled or wrecked; or
2. Cannot be self-propelled or moved in the manner in which it was originally intended to move; or
3. Is more than five years old and appears to be worth less than one hundred dollars (\$100.00) or is more than five years old and appears to be worth less than five hundred dollars (\$500.00)

Sec. 1.2 Parking Signage and Right-of-Way

- A. The Town of Lansing is authorized to install signage related to parking (eg. no parking), curb markings or other traffic control devices to indicate where parking is prohibited or conditionally limited or allowed in accordance with this Ordinance. Enforcement of the provisions of this Ordinance is not dependent on the installation of such devices.
- B. No other entity or individual, except the Town of Lansing is authorized to install signage related to parking (eg. no parking), curb markings or other traffic control devices that indicate where, within the right-of-way, parking is prohibited or allowed.
- C. G.S. 136-18(19) prohibits any informational, regulatory, or warning signs within the right-of-way of any highway project built within the Town limits of Lansing where the funds for such construction are derived in whole or in part from federal appropriations expended by the North Carolina Department of Transportation unless such signs have first been approved by the Department of Transportation.

Sec. 1.3 Investigation

Upon notice to the Town Clerk from any person of the existence of any of the conditions described in Section 1.1 or 1.2 the Lansing Board of Aldermen shall determine whether, in fact, such conditions exist as to constitute violation(s). Specific note made for the following, but not limited solely to:

- A. Reference G.S. Section 160A-303 titled Removal and disposal of junked and abandoned motor vehicles: No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of any abandoned, lost, or stolen motor vehicle for disposing of the vehicle as provided in the section.
- B. Reference G.S. Section 160A-303.2 titled Regulation of abandonment of junked motor vehicles: Any person who removes a vehicle pursuant to this section shall not be held liable for damages for the removal of the vehicle to the owner, lienholder or other person legally entitled to the possession of the vehicle removed; however, any person who intentionally or negligently damages a vehicle in the removal of such vehicle, or intentionally or negligently inflicts injury upon any person in the removal of such vehicle, may be held liable for damages.
- C. Reference G.S. Section 160A-303.2 titled Regulation of abandonment of junked motor vehicles: Removing or disposing of any motor vehicle that is used on a regular basis for business or personal use is prohibited.

Sec. 1.3.1 Notification of Ashe County Sherriff's Office and Towing

Upon a determination that such conditions constituting a violation of Section 1.1 exist, the Town Clerk shall cause to be posted a notice on the vehicle(s) windshield or some other conspicuous place stating that the vehicle(s) will be towed at least seven (7) days before the towing actually occurs. No pre-towing notice need be given if the vehicle(s) impedes the flow of traffic or otherwise jeopardizes the public welfare so that immediate towing is necessary.

If the vehicle(s) has not been removed by the owner or other party within seven (7) days, the Town Clerk may notify the Ashe County Sherriff's Department to have the vehicle(s) towed. Towing costs of vehicle(s) due to any conditions constituting a violation of Section 1.1 shall be at the registered owner's expense as well as whatever storage fee there might be incurred.

Sec. 1.3.2 Notice and Probable Cause Hearing

- A. Whenever a vehicle with a valid registration plate or registration is towed, the Town of Lansing shall immediately notify the last known registered owner of the vehicle of the following:
 - 1. A description of the vehicle;
 - 2. The place where the vehicle is stored;
 - 3. The violation with which the owner is charged, if any;
 - 4. The procedure the owner must follow to have the vehicle returned to him; and
 - 5. The procedure the owner must follow to request a probable cause hearing on the towing.

If the vehicle has a North Carolina registration plate or registration, notice shall be given to the owner within 24 hours; if the vehicle is not registered in this State, notice shall be given to the owner within 72 hours. This notice shall, if feasible, be given by telephone. Whether or not the owner is reached by telephone, notice shall be mailed to his last known address unless he or his agent waives this notice in writing.

- B. Whenever a vehicle with neither a valid registration plate nor registration is towed as provided in this Ordinance, the Town of Lansing shall make reasonable efforts, including checking the vehicle identification number, to determine the last known registered owner of the vehicle and to notify him of the information listed in subsection (a).
- C. The owner or any other person entitled to claim possession of the vehicle may request in writing a hearing to determine if probable cause existed for the towing. The request shall be filed with the magistrate in Ashe County.

Sec. 1.3.3 Notice of Abatement

Upon a determination that such conditions constituting a violation of Section 1.2 exist, the Town Clerk shall notify in writing through certified return receipt U.S. mail the owner of the sign(s) or person(s) responsible for the signs(s) or the person(s) in possession of the sign(s) or the property owner(s) in question of the conditions constituting such prohibited signage related to parking, curb markings or other traffic control devices and shall order the prompt abatement thereof within ten (10) days from the receipt of such written notice. Notice shall be deemed sufficient if given by delivery of a written notice to such person at his last known address, as indicated in the records of the Ashe County, North Carolina Tax Administration Office or Register of Deeds Office.

Sec. 1.4 Appeal

The owner of the sign(s) or person(s) responsible for the signs(s) or the person(s) in possession of the sign(s) or the property owner(s) who receives such Notice of Abatement under Section 1.3.3. may appeal to the Town Clerk within ten (10) days of receipt of the Notice of Abatement.

- A. Regarding the appeal notice:
 - 1. The appeal notice shall state the reasons for the appeal.
 - 2. The Town Clerk or their designee shall set a hearing within ten (10) business days after receipt of the notice of appeal.
 - 3. The hearing shall be informal and strict rules of evidence shall not apply.
 - 4. The Town Board of Aldermen shall issue a decision within five (5) days after the close of the hearing and shall notify the owner of the sign(s) or person(s) responsible for the signs(s) or the person(s) in possession of the sign(s) or the property owner(s) in writing of the decision.

- B. If, on appeal, the Town Board of Aldermen determines that the condition(s) constitute a violation and must be abated:
 - 1. The Town Clerk or their designee shall establish a new date for abating the conditions(s).
 - 2. The Town shall not abate the condition(s) until a decision has been rendered by the Town Board of Aldermen.

Sec. 1.5 Removal Upon Refusal to Abate.

If any person, having been notified to abate such violation(s) under Section 1.3.3., fails, neglects or refuses to abate or remove the condition constituting the violation(s) within ten (10) days from receipt of such notification, the Mayor shall cause such condition to be

removed or otherwise remedied by having an independent contractor or other designated party employed by the Town go upon such premises and remove or otherwise abate such condition under the supervision of the Town.

Sec. 1.6 Fees and Penalties

The actual cost incurred by the Town in removing or otherwise remedying such violation(s) under Section 1.2 shall be charged to the owner of the sign(s) or person(s) responsible for the sign(s) or the person(s) in possession of the sign(s) or the property owner(s), and it shall be the duty of the Town Clerk to mail through certified return receipt U.S. mail a statement of such charges to the owner or other person in possession of such premises with instructions that such charges are due and payable within thirty (30) days from the receipt thereof. In addition to the actual cost, an administration fee of fifty (\$50) dollars shall be added.

In the event charges for the removal or abatement of a violation under Section 1.2 are not paid within thirty (30) days after the receipt of a statement of charges, such charges shall be doubled for each additional thirty (30) days that payment is not received by the Town of Lansing.

Sec. 1.7 Severability

If any part of this Ordinance or the application thereof to any person or condition is held invalid such invalidity shall not affect other parts of this Ordinance or their application to any other person or condition, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Adopted on this 26th day of June, 2018, Lansing, North Carolina

TOWN OF LANSING

By: 

Dylan Lightfoot, Mayor

Attest:
Marcy B. Little, Clerk
Marcy B. Little, Town Clerk

After discussion, the foregoing ordinance was adopted on the day and year above stated.
The following Aldermen voted in the affirmative:

<u>John Blum</u>	<u>Michelle Lator</u>
<u>Michelle Lator</u>	<u>James R. Blair</u>
<u>John Brown</u>	_____

The following Aldermen voted in the negative:

_____	_____
_____	_____

