

Adopted 3/9/92

BOOK 2 PAGE 206

**AN ORDINANCE REGULATING PARKING OF MOTOR VEHICLES
ON COUNTY-OWNED PROPERTY**

WHEREAS, North Carolina General Statute 153A-170 authorizes a county to regulate parking of motor vehicles on county owned property; and

WHEREAS, Lee County has several properties used for parking purposes which need regulation,

NOW, THEREFORE, be it ordained by the Board of Commissioners for Lee County as follows:

Section 1. Title.

This ordinance shall be known and may be cited as the "Lee County Ordinance Regulating Parking of Motor Vehicles on County Owned Property".

Section 2. Purpose.

The purpose of this ordinance is to adopt and provide uniform regulations for the parking of motor vehicles on county-owned property.

Section 3. Territorial Jurisdiction.

This ordinance shall be applicable to all county-owned property wherever located.

Section 4. Definitions.

(1) The term "driver" shall mean the operator of a vehicle, as defined in subdivision (4). The term "driver" and "operator" and their cognates are synonyms.

(2) The term "motor vehicle" shall mean every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle.

(3) The term "owner" shall mean the person holding the legal title to a vehicle. Any mortgagor, conditional vendor or lessee of a vehicle vested with the right of immediate possession of said vehicle, shall be deemed to be the owner for the purpose of this ordinance.

(4) The term "operator" shall mean a person in actual physical control of a vehicle which is in motion or which has the engine running. The terms "operator" and "driver" and their cognates are synonyms.

(5) The term "park" shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

(6) The term "person" shall mean every individual, firm, partnership, association, corporation, governmental agency, or combination thereof of whatsoever form or character.

(7) The term "standing" shall mean any stopping of a vehicle, whether occupied or not.

(8) The term "stop" means complete cessation of movement.

(9) The term "vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks; provided, that for the purposes of this ordinance, bicycles shall be deemed vehicles and every rider of a bicycle upon county-owned property used as a parking lot or area shall be subject to the provisions of this ordinance applicable to the driver of a vehicle except those which by their nature can have no application.

(10) The term "way of travel" shall mean the areas not marked for parking in county owned parking lots which provide the means of access to such parking spaces. Directional arrows when painted in said areas indicate the permitted direction that a motor vehicle must travel.

Section 5. Stopping, Standing and Parking.

(1) On any county-owned lot which is marked off with lines or other devices indicating the parking spaces for motor vehicles, any such vehicle parked there must be parked between such lines or other devices used to indicate the parking spaces.

(2) No vehicle shall stop in any parking lot except for the purpose of parking as prescribed in this ordinance, unless such stop is made necessary by the approach of an authorized emergency vehicle, by the passing of some other vehicle or a pedestrian, or by some emergency.

(3) No person shall stop, stand or park a motor vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a law enforcement office or a traffic control device, in any of the following places of a county owned parking lot:

- a. on any sidewalk or crosswalk;
- b. within any entry way or drive way to such lot;
- c. on a designated fire lane;
- d. on or within any way of travel in such lot so as to block or prevent other traffic from passing thereon, except as may be necessary while actually loading or unloading.

(4) No person shall stand or park a vehicle upon any county owned parking lot for the principal purpose of:

- a. displaying it for sale;
- b. washing, greasing or repairing such vehicle, except repairs necessitated by an emergency;
- c. storage thereof by garages, dealers or other persons;
- d. storage of any detached trailer or van when the towing unit has been disconnected, or for the purpose of transferring merchandise or freight from one vehicle to another;
- e. advertising.

(5) When authorized signs are placed, erected or installed, giving notice that parking is prohibited, no person shall park a vehicle at any time on an area of a county-owned parking lot so posted.

(6) Where authorized signs, symbols or diagrams are placed, erected or installed giving notice that parking is prohibited during certain periods of time, or for longer than stated periods of time, no person shall park a vehicle during such prohibited parking periods or for longer than such stated parking periods; and the changing of the position of a vehicle from one parking space directly to another parking space or back to the same parking space within the same parking lot shall be deemed on continuous parking period.

(7) Where authorized signs, symbols or diagrams are placed, erected or installed giving notice of a loading zone, no person shall park or stand a vehicle except for the purpose of taking on or discharging passengers or loading or unloading cargo.

(8) Where authorized signs, symbols, numbers or diagrams are placed, erected or installed giving notice that parking is reserved for certain persons or classes of persons, or certain purposes, no person shall stop or stand a vehicle unless that person be one for whom such parking is reserved or unless the vehicle was parked for such reserved purpose.

(9) No person driving or in charge of a motor vehicle shall permit it to stand unattended in any county-owned parking lot or area without first stopping the engine and effectively setting the brake thereon.

Section 6. Violation of Ordinance.

(1) Any person violating any provision of this ordinance shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars (\$50.00) as authorized by North Carolina General Statute 14-4 (b).

(2) Any vehicles parked in violation of this ordinance may be removed from the property at the direction of the County Manager to a storage area or garage. If a vehicle is so removed, the owner as a condition of regaining possession of the motor vehicle, shall be required to pay to the county all reasonable costs incidental to the removal and storage of the vehicle and any penalty due for the violation, as authorized by North Carolina General Statute 153A-170.

(3) The prima facie rule of evidence created by North Carolina General Statute 20-152.1 is incorporated herein by this reference and made applicable to prosecution for violations of this ordinance.

Section 7. Effective Date.

This ordinance shall become effective on and after the 9th day of March, 1992, at 5:00 o'clock P.M..

NORTH CAROLINA, LEE COUNTY
Presented for registration on the 30 day
of March 19 92 at 2:00 P.M.
recorded in Book 2 page 206
Nellie W Thomas, Register of Deeds

William C. Stafford, Jr.
Chairman, Lee Co. Board of Commissioners