

**TITLE VII: TRAFFIC CODE**

**TITLE VII: TRAFFIC CODE**

Chapter

**70. GENERAL PROVISIONS**

**71. TRAFFIC RULES**

**72. STOPPING, STANDING AND PARKING**

**73. BICYCLES AND TOY VEHICLES**

**74. TRAFFIC SCHEDULES**

**75. PARKING SCHEDULES**

**76. HELMET REGULATIONS**

**77. GOLF COURSE REGULATIONS**

**78. SKATEBOARD ORDINANCE**

TITLE VII: TRAFFIC CODE

CHAPTER 70: GENERAL PROVISIONS

Section

**General Provisions**

- 70.01 Definitions
- 70.02 Compliance required
- 70.03 Compliance with order of police officer
- 70.04 Application of regulations to public employees
- 70.05 Application to persons propelling pushcarts, riding bicycles or animals

**Traffic Control Devices**

- 70.20 Obedience to traffic-control devices

**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 prescribed as such by ordinance of the Board of Transportation.

**CROSSWALK.**

(A) That portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections.

(B) Any portion of a roadway distinctly indicated for pedestrian crossing by lines or to the markings on the surface.

## TITLE VII: TRAFFIC CODE

**DRIVER.** Operator of a vehicle, a person in actual control of a vehicle which is in motion or which has the engine running. The terms “operator” and “driver” and their cognates are synonymous.

**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. Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event that such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

**MOTOR VEHICLE.** Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds as defined in G.S. § 20-4.01(27)d1.

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

**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 or unloading.

**PEDESTRIAN.** Any person afoot.

**PRIVATE ROAD or DRIVE WAY.** 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.

**RAILROAD TRAIN.** A steam engine, electric or other motor, with or without cars coupled thereto operated upon rails, except street cars.

**RAILROAD.** A carrier of persons or property upon cars, other than street cars, operated upon stationary rails.

## TITLE VII: TRAFFIC CODE

**RESIDENTIAL DISTRICT.** The territory prescribed as such by ordinance of the Department of Transportation.

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

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

**SAFETY ZONE.** Traffic island or other space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper 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.

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

**STOP OR STOPPING WHEN PROHIBITED.** 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.

**STOP WHEN REQUIRED.** The complete cessation of movement.

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

**TRAFFIC.** Pedestrians, ridden or herded animals, vehicles, street cars and other conveyances either singly or together while using any street for purpose 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 fixed rails or tracks; provided, that for the purpose of this chapter bicycles shall be deemed vehicles and every rider of a bicycle upon a highway shall be subject to the provisions of this chapter applicable to the driver of a vehicle except those which by their nature can have no application. This term shall not include a device which is designed for and intended to be used as a means of transportation for a person with a mobility impairment, is suitable for both inside and outside a building, and whose maximum speed does not exceed 12 miles per hour when the device is being operated by a person with a mobility impairment.

('75 Code, § 16-1)

**TITLE VII: TRAFFIC CODE**

**§ 70.02 COMPLIANCE REQUIRED.**

It is an infraction for any person to do any act forbidden or to fail to perform any act required in this chapter.

('75 Code, § 16-2) Penalty, see § 10.99

**§ 70.03 COMPLIANCE WITH ORDER OF POLICE OFFICER.**

(A) No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer.

(B) 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.

('75 Code, § 16-5) Penalty, see § 10.99

**§ 70.04 APPLICATION OF REGULATIONS TO PUBLIC EMPLOYEES.**

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, county or city, 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.

('75 Code, § 16-4) Penalty, see § 10.99

**§ 70.05 APPLICATION TO PERSONS PROPELLING PUSHCARTS, RIDING BICYCLES OR ANIMALS.**

Every person propelling a push cart or riding a bicycle or any animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which by their very nature can have no application.

('75 Code, § 16-10) Penalty, see § 10.99

**TITLE VII: TRAFFIC CODE**

**TRAFFIC CONTROL DEVICES**

**§ 70.20 OBEDIENCE TO TRAFFIC-CONTROL DEVICES.**

(A) The driver of every motor vehicle, street car and trackless vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the traffic regulations in this chapter, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

(B) No provision in 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 be seen by any ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective without signs being placed to give notice thereof.  
(’75 Code, § 16-76) Penalty, see § 10.99

**TITLE VII: TRAFFIC CODE**

**CHAPTER 71: TRAFFIC RULES**

Section

**General Provisions**

- 71.01 Riding in portion of vehicle not intended for passengers
- 71.02 Boarding or alighting from vehicles in motion
- 71.03 Entering or riding vehicle without consent of owner or driver
- 71.04 Passengers to remain inside vehicle
- 71.05 Number of persons limited in front seat of vehicle
- 71.06 Driving through zones of quiet
- 71.07 Driving in streets designated for play
- 71.08 Driving in school zones
- 71.09 Driving through funeral processions
- 71.10 Loud or unnecessary noises; screeching tires

**Rules of Operation**

- 71.20 Entering intersection or crosswalk area
- 71.21 Limitations on turning around
- 71.22 Speed limits and restrictions

**GENERAL PROVISIONS**

**§ 71.01 RIDING IN PORTION OF VEHICLE NOT INTENDED FOR PASSENGERS.**

It shall be unlawful for any person to ride on any public conveyance or vehicle or any portion thereof not designed or intended for the use of passengers. This provision shall not apply to employees engaged in the necessary discharge of a duty or to persons riding within truck bodies in spaces intended for merchandise.

(’75 Code, § 16-14) Penalty, see § 10.99

**§ 71.02 BOARDING OR ALIGHTING FROM VEHICLES IN MOTION.**

It shall be unlawful for any person to board or alight from any public conveyance or other vehicle while such conveyance or vehicle is in motion.

(’75 Code, § 16-16) Penalty, see § 10.99

**§ 71.03 ENTERING OR RIDING VEHICLE WITHOUT CONSENT OF OWNER OR DRIVER.**

## TITLE VII: TRAFFIC CODE

It shall be unlawful for any person to jump on or ride any automobile or other vehicle without the consent of the owner or driver.

('75 Code, § 16-17) Penalty, see § 10.99

### **§ 71.04 PASSENGERS TO REMAIN INSIDE VEHICLE.**

No person, when riding, shall allow any part of his body to protrude or extend beyond the limits of the vehicle in which he is riding, except to give, such signals as by law are required, and it shall be unlawful for any person to hang onto any vehicle whatsoever.

('75 Code, § 16-16) Penalty, see § 10.99

### **§ 71.05 NUMBER OF PERSONS LIMITED IN FRONT SEAT OF VEHICLE.**

It shall be unlawful for the driver or the person in charge of any motor vehicle to permit more than three persons, including the driver, to ride in the front or driver's seat of a motor vehicle.

('75 Code, § 16-18) Penalty, see § 10.99

### **§ 71.06 DRIVING THROUGH ZONES OF QUIET.**

Whenever authorized signs are placed, erected or installed indicating a zone of quiet, it shall be unlawful for any person operating a motor vehicle within any quiet zone to sound the horn or other warning device of the vehicle except in an emergency.

('75 Code, § 16-7) Penalty, see § 10.99

### **§ 71.07 DRIVING IN STREETS DESIGNATED FOR PLAY.**

Whenever authorized signs are placed, erected or installed indicating any street or part thereof as a play street, it shall be unlawful to drive a vehicle upon any play street or portion thereof except drivers of vehicles having business or whose residences are within the closed area, and then the drivers shall exercise the greatest care in driving upon any play street or portion thereof.

('75 Code, § 16-8) Penalty see § 10.99

**TITLE VII: TRAFFIC CODE**

**§ 71.08 DRIVING IN SCHOOL ZONES.**

Whenever authorized signs are placed, erected or installed indicating any street or parts thereof as school zones, all drivers of motor vehicles and operators of street cars using the streets or parts thereof shall exercise the greatest care in driving upon the streets or parts thereof for the protection of children.

('75 Code, § 16-9) Penalty, see § 10.99

**§ 71.09 DRIVING THROUGH FUNERAL PROCESSIONS.**

No vehicle shall be driven through a funeral procession, except fire department vehicles, police patrols and ambulances, when the same are responding to calls.

('75 Code, § 16-33) Penalty, see § 10.99

**§ 71.10 LOUD OR UNNECESSARY NOISES; SCREECHING TIRES.**

It shall be unlawful to use any automobile, truck, motorcycle, or vehicle so out of repair, so loaded, or operated in such a manner as to create loud or unnecessary grating, grinding, rattling, screeching of tires or other noise.

('75 Code, § 16-40) (Ord., passed 2-11-75) Penalty, see § 10.99

**TITLE VII: TRAFFIC CODE**

**RULES OF OPERATION**

**§ 71.20 ENTERING INTERSECTION OR CROSSWALK AREA.**

No driver shall enter an intersection or a marked crosswalk unless there is a sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

('75 Code, § 71.21) Penalty, see § 10.99

**§ 71.21 LIMITATIONS ON TURNING AROUND.**

No driver shall turn any vehicle so as to proceed in the opposite direction in the business district except at street intersections; and no vehicle shall make this type of a turn even at street intersections in the streets or portions of the streets described herein.

('75 Code, § 16-32) Penalty, see § 10.99

**§ 71.22 SPEED LIMITS AND RESTRICTIONS.**

Except as otherwise provided, it shall be unlawful to operate a vehicle in excess of the following speeds:

(A) Twenty miles per hour in any business district.

(B) Those speed limits established and enforced in residential districts by the state under G.S. § 20-141(b) (1).

(C) Twenty-five miles per hour in the following designated school districts:  
U.S.

Highway 70 from the eastern margin of Ridgeway Avenue to a point 400 feet east of the eastern margin of High School Road (this area also designated as State Street); Ridgeway Avenue from its intersection with State Street north to First Street; Charlotte Street from First Street eastwardly to its intersection with U.S. 70; High School Road from its intersection from U.S. Highway 70 north 1584 feet. See Chapter 74, Schedule II, for speed limit designations.

('75 Code, § 16-35) Penalty, see 10.99

TITLE VII: TRAFFIC CODE

CHAPTER 72: STOPPING, STANDING AND PARKING

Section

- 72.01 Method of parking
- 72.02 Stopping, standing and parking prohibited in specified places
- 72.03 Parking near fire hydrants or emergency apparatus
- 72.04 Parking for sale, maintenance, storage or advertising purposes prohibited
- 72.05 Parking restricted in certain areas
- 72.06 Vehicles backed up to curb
- 72.07 Restricted vehicle stands
- 72.08 Moving another's vehicle into prohibited parking area
- 72.09 Vehicles obstructing passage of vehicles
- 72.10 Vehicles not to stop in streets; exceptions
- 72.11 Handicapped parking
  
- 72.99 Penalty

**§ 72.01 METHOD OF PARKING.**

(A) Parallel parking. Where not otherwise indicated by this chapter, and where the street is not marked to show how vehicles shall park, all vehicles shall park parallel to the curb and not more than 12 inches therefrom.  
(’75 Code, § 16-57)

(B) Parking at 60 degree angles. Automobiles and other vehicles shall be parked at an angle of approximately 60 degrees with the curb on those streets or parts of streets where parking lines have been established and parking shall be within the lines so designated.  
(’75 Code, § 16-53)

(C) Left side to curb not permitted in business district. No vehicle shall be stopped with its left side to the curb in the business district, except that on one way streets vehicles shall stop headed in the direction of traffic.  
(’75 Code, § 16-54)

(D) Parking within lines where provided. On any street which is marked off with lines indicating the parking spaces for cars, the same shall be parked between said lines.  
(’75 Code, § 16-55) Penalty, see § 72.99

**TITLE VII: TRAFFIC CODE**

**§ 72.02 STOPPING, STANDING AND PARKING PROHIBITED IN SPECIFIED PLACES.**

It shall be unlawful for any person to stop stand or park a vehicle except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer or traffic control device in any of the following places:

- (A) On the sidewalk.
- (B) On a crosswalk.
- (C) Within an intersection.
- (D) Within 30 feet of any flashing beacon, stop sign, or traffic control signal located at the side of a street or roadway.
- (E) Underpass approaches. No vehicle shall park on either side of any street approaching a railroad underpass.
- (F) Grade crossing approaches. No vehicle shall park on either side of any street approaching a grade crossing within 50 feet of the closest rail; provided, that where existing permanent structures are located along the street and closer than 50 feet, parking may be permitted in front of the structures, unless otherwise prohibited, if the parking does not interfere with the view in either direction of an approaching locomotive or train.
- (G) Along side or opposite any street excavation or obstruction when the stopping or standing or parking would obstruct traffic.
- (H) Upon any bridge or other elevated structure or within any underpass structure.
- (I) Within 15 feet in either direction of, the entrance to a hotel, theater, hospital, sanitarium or any public building.
- (J) On the roadway side of any vehicle, stopped, standing or parked at the edge or curb of a street.
- (K) Along the north side of U.S. 70 from the east leg of the Primary School driveway eastward for a distance of 1500 feet.
- (L) On the east side along Montreat Road (NC Highway 9) between First and Second Streets and from Cotton Avenue to East Street.

**TITLE VII: TRAFFIC CODE**

(M) Along either side of Vance Avenue from NC Highway 9 to the dead-end of the street.

(N) Along the south side of Rec Park Drive from Blue Ridge Road to the dead end. ('75 Code, § 16-50) (Ord., passed 2-11-75; Am. Ord. 0-95-14, passed 11-13-95; Am Ord. 0-96-12, passed 9-9-96; Am. Ord. 0-97-05, passed 06-09-97) Penalty, see § 72.99

**§ 72.03 PARKING NEAR FIRE HYDRANTS OR EMERGENCY APPARATUS.**

It shall be unlawful for any person to stand, stop or park a motor vehicle, vehicle, push cart or other means of conveyance in any area where stopping or parking is prohibited, within any other emergency apparatus, or in any manner where parking would cause a hazard to persons or property. It shall be the duty of every police officer to take immediate steps by whatever means necessary and most expedient to remove any obstruction that might cause a hazard to persons or property within the corporate limits. ('75 Code, § 16-65)

**§ 72.04 PARKING FOR SALE, MAINTENANCE, STORAGE OR ADVERTISING PURPOSES PROHIBITED.**

(A) It shall be unlawful for any person to stand, stop or park a vehicle on any street for the principal purpose of:

- (1) Displaying it for sale.
- (2) Washing, greasing or repairing the vehicle except repairs necessitated by an emergency.
- (3) Storage by garages, dealers or other persons when the storage is not incident to the bona fide use and operation of such automobile or other vehicles.
- (4) 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. ('75 Code, § 16-51)

(B) It shall be unlawful for any person to stop, stand or park an automobile on any street for the primary purpose of advertising the vehicle. ('75 Code, § 16-52) Penalty, see § 72.99

**TITLE VII: TRAFFIC CODE**

**§ 72.05 PARKING RESTRICTED IN CERTAIN AREAS.**

It shall be unlawful and shall constitute a misdemeanor for any person to park a motor vehicle on Sunday mornings on Montreat Road from the intersection of U.S. 70 and Montreat Road to First Street; and on Connally Street to Mountain Street.  
(’75 Code, § 16-59) Penalty, see § 72.99

**§ 72.06 VEHICLES BACKED UP TO CURB.**

In no case shall a vehicle remain backed up to a curb.  
(’75 Code, § 16-56) Penalty, see § 72.99

**§ 72.07 RESTRICTED VEHICLE STANDS**

There shall be reserved as stands for the bus station and law enforcement vehicles, stands on Cherry Street, in front of the city hall, designated spaces for parking of vehicles, and when the designated stands are painted and signs placed at the designated stands, no automobiles or other vehicles shall park there except those for which the spaces or stands have been designated.  
(’75 Code, § 16-64) Penalty, see § 72.99

**§ 72.08 MOVING ANOTHER’S VEHICLE INTO PROHIBITED PARKING AREA.**

It shall be unlawful for any person to move a vehicle not owned by him into any prohibited area or away from a curb such distance as is unlawful.  
(’75 Code, § 16-19) Penalty, see § 72.99

**§ 72.09 VEHICLES OBSTRUCTING PASSAGE OF VEHICLES.**

It shall be unlawful for any vehicle to stand on any street so as to interrupt or interfere with the passage of public conveyances or other vehicles.  
(’75 Code, § 16-60) Penalty, see § 72.99

**§ 72.10 VEHICLES NOT TO STOP IN STREETS; EXCEPTIONS.**

It shall be unlawful for any person to stop a vehicle in any street except for the purpose of parking as prescribed in this chapter, unless the stop is made necessary by the approach of fire apparatus, by the approach of a funeral, or other procession which is given the right-of-way by the stopping of a public conveyance, by the lowering of railway gates, by the giving of traffic signals, the passing of some other vehicle, or a pedestrian, or by some

**TITLE VII: TRAFFIC CODE**

emergency; and in any case covered by these exceptions, the vehicles shall not stop so as to obstruct any foot way, pedestrian aisle, safety zone, crossing or street intersection if the same can be avoided.

('75 Code, § 16-63) Penalty, see § 72.99

**§ 72.11 HANDICAPPED PARKING.**

(A) **HANDICAPPED, PARKING SPACE.** For the purpose of this division, an off-street handicapped parking space shall be a minimum of 12 feet 6 inches wide, and shall be located as near as possible to the public entrance of a single building and centrally located in lots which serve several buildings.

(B) Handicapped Parking Requirements:

(1) Off-street parking requirements of this chapter shall include handicapped parking space(s) pursuant to the following schedule:

<u>NUMBER OF OFF-STREET PARKING SPACES IN LOT</u>	<u>NUMBER OF REQUIRED HANDICAPPED PARKING SPACES</u>
1-49	1
50-99	2
100-149	3
150-199	4

(2) The above schedule shall continue to increase at the rate of one handicapped parking space for each additional 50 parking spaces. All of the required handicapped spaces must be clearly marked with signs as specified under G.S. § 20-37.6 and G.S. § 136-30.

(3) Existing off-street parking areas which fail to comply with the handicapped parking requirements of this chapter shall be allowed until 60 days to so comply.

(4) Any person responsible for providing, identifying and maintaining handicapped parking space(s) who fails to provide the required size and number of parking spaces; designate the spaces with signs complying with the requirements of G.S. § 20-37.6(d); or maintain the space(s) and sign(s) in a manner that will adequately place persons on notice of its intended and restricted use shall be subject to a per diem civil penalty of \$250 as set out in § 72.99.

**TITLE VII: TRAFFIC CODE**

(C) Enforcement.

(1) Any police officer charged with the duty of enforcing ordinances of the town, or any such persons as may be designated by the Town Manager, shall attach to any vehicle violating any ordinances of the town relating to parking, a notice to the owner or operator thereof that such vehicle has been parked in violation of the provisions of the ordinances of the town, and instructing such owner or operator that such violation subjects the offender to a civil penalty or fine as described herein.

(2) Any person under consideration for designation by the Town Manager to enforce the above-referenced parking chapter shall be required to attend a training session in which the person will learn the requirements of the chapter and the requirements each designated enforcer must fulfill.

(Ord. 0-93-2, passed 4-12-93. Ord. 0-01-06, passed 8-13-01) Penalty § 72.99

**§ 72.99 PENALTY.**

(A) Any person who shall violate an ordinance of the town regulating the operation or parking of vehicles, shall be responsible for an infraction and shall be required to pay a penalty of not more than \$50.

(B) Any vehicle which is parked in a handicapped designated space in violation of § 72.11 is subject to a fine of minimum \$250 per violation unless the owner or operator clearly displays the appropriate tags or placards that the vehicle is authorized by the State of North Carolina, or any other state, to occupy handicapped spaces.

(Ord. 0-93-2, passed 4-12-93, Ord. 0-01-06, passed 8-13-01)

TITLE VII: TRAFFIC CODE

CHAPTER 73: BICYCLES AND TOY VEHICLES

Section

- 73.01 Operation of bicycles
- 73.02 Clinging to moving vehicles
- 73.03 Riding bicycles on sidewalks
- 73.04 Skating

**§ 73.01 OPERATION OF BICYCLES.**

(A) Riding on handle bars prohibited. The operator of a motorcycle or bicycle when upon a street shall not carry any person upon the handle bar, frame or tank of any vehicle, nor shall any person so ride upon any vehicle.

('75 Code, § 16-11)

(B) Riding on sidewalks or without hands on handle bars is prohibited. It shall be unlawful for any person to ride a bicycle or motorcycle on any street without having his hands upon the handle bars, or to ride a bicycle upon any sidewalk or walkway.

('75 Code, § 16-12) Penalty, see § 10.99

**§ 73.02 CLINGING TO MOVING VEHICLES.**

It shall be unlawful for any person to ride on any bicycle, motorcycle, coaster, sled, roller skates or any toy vehicle and hold onto, cling to or attach his vehicle or himself to any public conveyance or moving vehicle upon any roadway.

('75 Code, § 16-13) Penalty, see § 10.99

**§ 73.03 RIDING BICYCLES ON SIDEWALKS.**

It shall be unlawful for any person to ride a bicycle on the sidewalks or on the macadam platforms about the passenger depot.

('75 Code, § 14-8) Penalty, see § 10.99

**Cross-reference:**

Streets and sidewalks, see Ch. 99

**§ 73.04 SKATING.**

## TITLE VII: TRAFFIC CODE

No person shall skate on any street or sidewalk in the town.  
(’75 Code, § 14.7) Penalty, see § 10.99

### CHAPTER 74: TRAFFIC SCHEDULES

#### Schedule

- I. Stop Intersections
- II. Speed Limits
- III. Turning Restrictions

#### **SCHEDULE I: STOP INTERSECTIONS**

Those intersections herein described and designated are declared to be stop intersections when entering from the streets herein after named, and where stop signs are placed, erected, painted or installed at the intersections. Every driver of a vehicle shall stop in obedience to the signs before entering the intersections and shall not proceed into or across the street until he has first determined that no conflict with traffic will be involved. The street intersections are as follows:

- (A) Where Pine Street intersects the West margin of the Montreat Road.
- (B) Where East Connally Street intersects the West margin of Montreat Road.
- (C) Where Dennis Avenue intersects the West margin on Montreat Road.
- (D) Where Third Street intersects the East margin of Montreat Road.
- (E) Where Second Street intersects the East margin of Montreat Road.
- (F) Where First Street intersects the East margin of Montreat Road.
- (G) Where Ridgeway Avenue intersects the North and South margins of State Streets.
- (H) Where West Street intersects the North and South margins of State Street.
- (I) Where Scotland Avenue intersects the North margin of State Street.
- (J) Where New Bern Avenue intersects the North margin of State Street.
- (K) Where the Cragmont Road intersects the North margin of State Street.

## TITLE VII: TRAFFIC CODE

(L) Where Church Street Extension intersects the North and South margin of Dennis Avenue, leading westwardly to the Lake and Clubhouse, known as Laurel Circle.

(M) Where Vance Avenue intersects the West margin of Black Mountain Avenue.

(N) Where East Blue Ridge Avenue intersects the East margin of Vance Avenue, and where East Blue Ridge Avenue intersects the South margin of Vance Avenue.

(O) Where West Blue Ridge Avenue intersects the West margin of Vance Avenue.

(P) Where Sutton Avenue intersects the East margin of Broadway.

(Q) Where Cherry Street intersects the south margin of State Street, and where Cherry Street intersects the North margin of Sutton Avenue.

(R) Where Church Street intersects the North margin of State Street, and where Church Street intersects the South margin of Connally Street.

(S) Where New Bern Avenue intersects the South margin of Connally Street.

(T) Where Rhododendron Avenue intersects the East margin of the Cragmont Road.

(U) Where Buckeye Street intersects with Altamahaw Avenue (three-way stop).

(V) On Avena Street at the intersection of Avena Street and Tabernacle Road.

(W) Where Mountain View intersects with Sunrise Terrace (4-way stop).

(X) Where Third Street intersects with Fourth Street (three-way stop).

(Y) Where Tenth Street intersects with Cherokee Avenue (4-way stop).

('75 Code, § 16-62; Am. Ord. 0-96-13, passed 11-12-96; Am. Ord. 0-98-07, passed 6-08-98; Am. Ord. 0-98-07, passed 6-08-98; Am. Ord. 0-98-14, passed 12-14-98; Am. Ord. 0-99-19, passed 09-13-99) Penalty, see § 10.99

**TITLE VII: TRAFFIC CODE**

**TRAFFIC SCHEDULES**

**SCHEDULE II: SPEED LIMITS**

Pursuant to the authority of G.S. § 20-141, speed limits as indicated shall be in the following locations.

<b>STREET</b>	<b>LOCATION</b>	<b>SPEED LIMIT (M.P.H.)</b>	<b>ORD. NO.</b>	<b>PASSAGE DATE</b>
State Street (US 70)	From New Bern Avenue Ridgeway Avenue	20	0-7-73	2-20-73
Black Mountain (NC 9)	From Vance Avenue (SR 2839) to Sutton Avenue (NC 9)	20	0-8-73	2-20-73
Sutton Avenue (NC 9)	From Black Mountain Avenue (NC 9) to Broadway Street (NC 9)	20	0-9-73	2-20-73
Broadway St. (NC 9)	From Sutton Avenue (NC 9) to State Street (US 70)	20	0-10-73	2-20-73
Montreat Road (NC 9)	From State Street (US 70) to First Street	20	0-11-73	2-20-73
State Street (US 70)	From Ridgeway Avenue to a point 300 feet east of High School Road (SR 2515)	35	0-18-73	2-20-73
State Street (US 70)	From a point 300 feet west of Cragmont Road (SR 2489) to New Bern Avenue	35	0-19-73	2-20-73
High School Road (SR 2515)	From State Street (US 70) to the northern corporate limits, approximately 200 feet north of Cotton Avenue	35	0-20-73	2-20-73
Hiawasse Avenue (SR 2495)	From Cragmont Road (SR 2500) to North Fork Road (SR 2474)	35	0-20-73	2-20-73
Cragmont Road (SR 2500)	From the western corporate limits, approximately 0.17 mile west of West College Street (SR 2501) to Rhododendron Avenue (SR 2489)	35	0-22-73	2-20-73
Cragmont Road (SR 2489)	From State Street (US 70) to Rhododendron Avenue (SR 2489)	35	0-22-73	2-20-73

**TITLE VII: TRAFFIC CODE**

Rhododendron Avenue (SR 2489)	From Cragmont Road (SR 2500) to North Fork Road (SR 2474)	35	0-24-73	2-20-73
Vance Avenue (SR 2839)	From Black Mountain Avenue (NC 9) to Lakey Street (SR 2839)	35	0-25-73	2-20-73
Lakey Street (SR 2839)	From Black Mountain Avenue (NC 9) to Vance Avenue (SR 2839)	35	0-26-73	2-20-73
Black Mountain Avenue (NC 9)	From a point 0.10 mile south of Lakey Street (SR 2839) to Vance Avenue (SR 2839)	35	0-27-73	2-20-73
McCoy Cove Road (SR 2522)	From SR 2564 to Pearl Street	35	0-28-73	2-20-73
SR 2564	From Padgettown Road to McCoy Cove Road (SR 2522)	35	0-29-73	2-20-73
West College Street (SR 2501)	From SR 2435 to Cragmont Road (SR 2500)	35	0-30-73	2-20-73
North Fork Road (SR 2474)	From Rhododendron Avenue (SR 2489) to Montreat Road (NC 9)	35	0-31-73	2-20-73
Montreat Road (NC 9)	From First Street to the northern corporate limits, approximately 300 feet north of Cotton Street (SR 2507)	35	0-32-73	2-20-73
Cotton Street (SR 2507)	From Alexander Drive to Montreat Road (NC 9)	35	0-33-73	2-20-73
Ninth Street (SR 2486)	From Hiwassee Avenue (SR 2486) to Laurel Avenue	35	0-34-73	2-20-73
Ninth Street (SR 2490)	From Holly Avenue to Montreat Road (NC 9)	35	0-35-73	2-20-73
Avena Road (SR 2522)	From Padgettown Road to the eastern corporate limits, approximately 1200 feet east of Padgettown Road	35	0-36-73	2-20-73
Avena Road (SR 2519)	From High School Road (SR 2515) to Padgettown Road	35	0-37-73	2-20-73

**TITLE VII: TRAFFIC CODE**

SR 2435	From the western corporate limits, approximately 300 feet west of West College St. (SR 2501) to US 70	45	0-1-73	2-20-73
State Street (US 70)	From a point 300 feet east of High School Road (SR 2515) to the eastern corporate limit, approximately 0.40 mile east of Padgettown Road	55	0-2-74	12-11-74
State Street (US 70)	From the western corporate limit, approximately 380 feet west of SR 2435 to a point 300 feet west of Cragmont Road (SR 2489)	55	0-1-74	12-11-74
West Cotton Avenue (SR 2507)	From the western corporate limit, a point 0.07 mile west of NC 9 eastward to NC 9	25	0-86-10	10-13-86
Walker Street	From Old U.S. 70 W. running .20 miles north to Top Street	20	0-95-12	9-11-95
Portmanvilla Road	From the end of Fourth Street running .49 miles to E. Cotton Street	20	0-95-12	9-11-95
Fourth Street	From Montreat Road to the intersection of Portmanvilla Road	20	0-95-12	9-11-95
Vance Avenue	From NC Highway 9 to dead end.	20	0-96-14	11-12-96
Buckeye Street	From Altamahaw Avenue to Swannanoa Avenue	20	0-96-14	11-12-96
Altamahaw Street	From Ash Street to dead end	20	0-96-14	11-12-96
Avena Street	From Tabernacle Road to dead end	20	0-96-14	11-12-96
Rec Park Drive	From Blue Ridge Road .20 miles NE to dead end.	15	0-97-05	06-09-97
Lakey Gap Road	From Sunset Drive to NC Highway 9	25	0-98-03	04-13-98
Camp Branch Road	From Lakey Gap Road to end of Town Limits	25	0-98-03	04-18-98

**TITLE VII: TRAFFIC CODE**

Laurel Avenue	From Laurel Circle Drive to North Fork Road	25	0-98-12	10-12-98
Padgettown Road	From US Highway 70 to its intersection with Flat Creek Road	25	0-99-06	04-12-99
Ninth Street	From Montreat Road to Hiawassee Avenue	25	0-99-20	09-13-99
East Cotton Avenue	From Flat Creek Road to Montreat Road	25	0-02-08	08-12-02
Genesis Circle	In Genesis Circle	15	0-04-08	11-08-04
Byrd Road	All of Byrd Road	25	0-05-03	03-14-05
Penalty, see § 10.99				

**SCHEDULE III: TURNING RESTRICTIONS**

It shall be unlawful for any person driving a motor vehicle to turn left from Cherry Street onto State Street (U.S. 70), or left from State Street onto Cherry Street.  
 ('75 Code § 16-39 (b)) Penalty, see § 10.99

**TITLE VII: TRAFFIC CODE**

**CHAPTER 75: PARKING SCHEDULES**

Schedule

I. Limited parking

**SCHEDULE I. LIMITED PARKING.**

When signs are placed, erected or installed in each block giving notice thereof, no person shall park a vehicle for longer than one hour at any time between the hours of 6:00 a.m. and 6:30 p.m. of any day except Sunday and public holidays upon the following streets located within the corporate limits:

(A) On the west side of Broadway from the south margin of State Street to a point at the northeast corner of Black Mountain Ice Company property, and where the parking lines are established.

(B) On the east side of Broadway, which parking shall be parallel to the curb, from the south margin of State Street to the north line of an alley located north of the Black Mountain Lumber Company shed, and which parallel lines shall be marked and designated.

(C) On the east side of Cherry Street from the south margin of State Street to a point where the present bus station is located, and which prohibited area has been heretofore established in a preceding section.

(D) On the west side of Cherry Street from a point south of State Street to the north margin of Sutton Avenue.

(E) From the north margin of State Street, west of Church Street to Dougherty Street.  
(’75 Code, § 16-58) Penalty, see § 10.99

TITLE VII: TRAFFIC CODE

CHAPTER 76: HELMET REGULATIONS

Section

- 76.01 Regulations
- 76.02 Enforcement

**§ 76.01 REGULATIONS.**

(A) Every person operating a bicycle on a public right of way or on any property open to the public or used by the public for pedestrian or vehicular purposes shall ride on a permanent and regular attached seat.

(B) Every person operating a bicycle or using rollerblades or riding on skateboards on a public right of way or on any property open to the public or used by the public for pedestrian or vehicular purposes shall wear a helmet of good fit, fastened securely, and

- (1) Meeting ANSI Z90.4 standards, or
- (2) The Snell Memorial Foundation's 1984 Standard for Protective Headgear for Use in Bicycling, or
- (3) ASTM bicycle helmet standards, or
- (4) Subsequent amendment(s) to the bicycle helmet standards described above.

(C) No person operating a bicycle on a public right of way or on any property open to the public or used by the public for pedestrian or vehicular purposes shall allow anyone four years old or younger, and weighing 40 pounds or less, to ride as a passenger on the bicycle other than in a seat which shall adequately retain the passenger in place, and protect the passenger from the bicycle's moving parts; or else astride a regular seat of a tandem bicycle.

(D) No person operating a bicycle on a public right of way or on any property open to the public or used by the public for pedestrian or vehicular purposes shall allow anyone to ride as a passenger unless the passenger is wearing a helmet as defined in (B) or else in an enclosed trailer or other device which meets or exceeds current nationally recognized standards of design and manufacture for the protection of the passenger's head from impacts in a accident without the need for a helmet.

**§ 76.02 ENFORCEMENT.**

(A) Any violation of § 76.01, (B), (C), or (D) of this ordinance is punishable as provided in Section 14-4 of the North Carolina General Statutes, and shall be subject to a fine up to \$50.00.

**TITLE VII: TRAFFIC CODE**

(B) Failure to observe any provision of this Ordinance shall not be admissible as evidence of negligence in a court of law.

(C) This amendment shall be effective immediately upon its adoption.  
(Ord. 0-96-06, passed 05-13-96; Am. Ord. 0-97-07, passed 07-14-97)

**CHAPTER 77: GOLF COURSE REGULATIONS**

Section

- 77.01 Use of Black Mountain Golf Course Property
- 77.02 Violation

**§ 77.01 USE OF BLACK MOUNTAIN GOLF COURSE PROPERTY**

The use of the Black Mountain Golf Course property by pedestrian traffic other than those people actively participating in the game of golf shall be prohibited except when the course is closed to golf or by permission from the Golf Course Management, Director of Parks and Recreation, Town Manager, or Town Board of Aldermen.

**§ 77.02 VIOLATION**

Violation of this ordinance is punishable by a fine of twenty-five dollars (\$25.00) for each separate violation.  
(Ord. 0-94-03, passed 04-11-94)

**TITLE VII: TRAFFIC CODE**

**CHAPTER 78: SKATEBOARD ORDINANCE**

Section

- 78.01 Operation of Skateboard Parks Permitted
- 78.02 Safety Requirements for Users of Skateboard Parks
- 78.99 Penalty

**§ 78.01 OPERATION OF SKATEBOARD PARKS PERMITTED**

Private or public skateboard parks shall be permitted in the Town of Black Mountain at such locations as the Town operates recreational facilities and in such districts as the Board of Aldermen may allow in the Zoning Ordinances of the Town of Black Mountain, and the operation of such parks shall be subject to the requirements of this Chapter.

**§ 78.02 SAFETY REQUIREMENTS FOR USERS OF SKATEBOARD PARKS**

(A) All users of a skateboard park shall wear a helmet, elbow pads, and knee pads.

(B) No operator of a skateboard park shall permit any person to ride a skateboard therein, unless that person is wearing a helmet, elbow pads, and knee pads.

(C) At any skateboard park operated by the Town that is not supervised on a regular basis shall have signs posted at the facility affording reasonable notice that any person riding a skateboard in the facility must wear a helmet, elbow pads, and knee pads, and that any person failing to do so will be subject to citation under this ordinance.

**§ 78.99 PENALTY**

(A) Any person using a skateboard facility who does not comply with the above stated safety requirements may be issued a citation and be subjected to a civil penalty in the amount of \$25.00. Any person so cited more than twice may be barred from use of the facility.

(B) Any operator of a skateboard park who permits any person to ride a skateboard therein without the required helmet, elbow pads or knee pads, shall be issued a citation and be subjected to a civil penalty in the amount of \$100.00.

(Ord. 0-07-16, passed 12-10-07)