

TITLE VII: TRAFFIC CODE

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CHAPTER 70: GENERAL PROVISIONS

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GENERAL PROVISIONS

§ 70.01 CERTAIN ORDINANCES RELATING TO TRAFFIC NOT AFFECTED BY CODE.

Nothing in this code or the ordinance adopting this code shall affect any state law or local ordinance not codified herein regulating traffic on specific streets, and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code. ('81 Code, § 17-1)

§ 70.02 DEFINITIONS.

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

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

EMERGENCY VEHICLES. Any vehicle that is designated and authorized to respond to an emergency. These vehicles are usually operated by designated agencies, often part of the government, but also run by charities, non-governmental organizations and some commercial companies. Often emergency vehicles are permitted by law to break conventional road rules in order to reach their destinations in the fastest possible time, such as (but not limited to) driving through an intersection when the traffic light is red, or exceeding the speed limit.

OFFICIAL TRAFFIC-CONTROL DEVICES

§ 70.35 OBEDIENCE.

The driver of any vehicle shall obey the directions of any official traffic-control device placed in accordance with the traffic code and other traffic ordinances of the Town, subject to certain exceptions which are granted the driver of any authorized emergency vehicle, unless otherwise directed by a police officer. ('81 Code, § 17-56) Penalty, see § 70.99

§ 70.36 WHEN SIGNS REQUIRED.

No provision of this chapter that provides for signs shall be enforced against an alleged violator if, at the time and place of the alleged violation, the official sign is not in proper position or is insufficiently legible to an ordinary person. Whenever a particular section of the

traffic code does not stipulate signs, that section shall be effective without signs being placed to give notice thereof. ('81 Code, § 17-57)

§ 70.37 NO-TURN SIGNS AND TURNING MARKERS.

Whenever authorized signs are placed which indicate that no “right” or “left” or “U” turn is permitted, the driver of a vehicle shall obey the directions of any such sign, and when authorized markers, buttons or other indications are placed within an intersection which the course to be traveled by vehicles traversing, or turning, the driver of a vehicle shall obey the directions of such indications. ('81 Code, § 17-58) Penalty, see § 70.99

Statutory reference: Authority of Town to regulate turning at intersections, see G.S. § 20-153(c)

§ 70.38 RESTRICTED AND NO PARKING ZONES.

Whenever authorized signs or markings are placed which indicates restricted or no parking for any reason, the driver of a vehicle shall obey the regulatory indications. Fire lane and Handicap violations shall carry a penalty of \$100.

('81 Code, § 17-59) Penalty, see § 70.99

§ 70.39 ZONE OF QUIET.

Whenever authorized signs are placed which indicate a zone of quiet, the person operating a motor vehicle within any such zone shall not sound the horn or any other warning of the vehicle, except in an emergency. ('81 Code, § 17-60) Penalty, see § 70.99

§ 70.40 PLAY STREET.

The Mayor is hereby to declare when authorized signs are placed which prescribe any street, or part thereof, as a play street. No person shall drive a vehicle upon any such prescribed street, except persons who have business, or who reside within, such prescribed area; any such person shall exercise the greatest care when driving upon any such play street.

(' 81 Code, § 17-61) Penalty, see § 70.99

§ 70.41 FLASHING SIGNALS.

Whenever flashing red or yellow signals are used they shall require obedience by vehicular traffic, as follows:

(A) *Flashing Red.* When a flashing red light has been erected or installed at an intersection, approaching vehicles facing the red light shall stop and yield the right-of-way to vehicles in or approaching the intersection. The right to proceed shall be subject to the rules applicable to making a stop at a 4-way stop. When a flashing red light has been erected or installed at a place other than an intersection, approaching vehicles facing the light shall stop and yield the right-of-way to pedestrians or other vehicles.

(B) *Flashing Yellow.* When a flashing yellow light has been erected or installed at an intersection, approaching vehicles facing the yellow light may proceed through the intersection with caution, yielding the right-of-way to vehicles in or approaching the intersection. When a flashing yellow light has been erected or installed at a place other than an intersection, approaching vehicles facing the light may proceed with caution, yielding the right-of-way to pedestrians and other vehicles. ('81 Code, § 17-63) Penalty, see § 70.99

Statutory reference: *Vehicle control signals, see G.S. § 20-158*

OBEDIENCE TO TRAFFIC REGULATIONS AND POLICE OFFICERS

§ 70.60 OBEDIENCE TO TRAFFIC CODE.

It is an infraction for any person to do any act forbidden, or fail to perform any act required, in this traffic code. ('81 Code, § 17-36) Penalty, see § 70.99

§ 70.61 AUTHORITY OF POLICE IN SPECIAL CASES.

In the event of a fire or other emergency or when it is necessary to expedite traffic or to safeguard pedestrians, police officers may direct traffic as conditions may require, notwithstanding the provisions of the traffic code. ('81 Code, § 17-37) Penalty, see § 70.99

§ 70.62 PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS.

The provisions of the traffic code 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 such driver to violate any of the provisions of the traffic code or the state statutes. ('81 Code, § 17-38) Penalty, see § 70.99

Statutory reference: *Similar provisions, see G.S. § 20-168*

§ 70.63 EXEMPTIONS TO AUTHORIZED EMERGENCY VEHICLES.

The provisions of the traffic code regulating the operation, parking and standing of vehicles shall also apply to authorized emergency vehicles, as defined in this subchapter, except as follows:

(A) Unless otherwise directed by police officer, a driver when operating such vehicle in an emergency may:

(1) Park or stand, notwithstanding the provisions of this title.

(2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation and activate emergency equipment.

(3) Exceed the *prima facie* speed limits so long as he does not endanger life or property and abides by applicable Town policies.

(4) Disregard regulations governing direction of movement or turning in specified directions, so long as the driver does not endanger life or property.

(B) The foregoing exemptions shall not, however, protect the driver of any vehicle from the consequences of his reckless disregard for the safety of others. ('81 Code, § 17-40) Penalty, see § 70.99

§ 70.64 PERSONS PROPELLING PUSHCARTS; RIDING BICYCLES OR ANIMALS.

Every person propelling any pushcart, riding any self-propelled or motorized device, or an animal upon a roadway to include any person controlling an animal-drawn vehicle, shall be subject to the provisions of the traffic code which are applicable to any driver of any vehicle, except those provisions of the traffic code which by their very nature, can have no application. ('81 Code, § 17-40) Penalty, see § 70.99

Statutory reference: *Similar provisions, see § G.S. 20-171*

§ 70.99 PENALTY.

Any person who shall violate any provision of this title or any traffic ordinance of the Town regulating the operation or parking of vehicles for which no other penalty is set forth shall be responsible for an infraction and shall be required to pay a penalty of not more than \$50 per infraction.

Statutory reference: (G.S. § 14-4b), Town Code Penalty §10.99