

Motor Vehicles and Traffic

CHAPTER 10.

MOTOR VEHICLES AND TRAFFIC.

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Article I. In General.

For state law as to authority of town to prohibit, regulate, divert, control and limit pedestrian and vehicular traffic on public streets, sidewalks, alleys and bridges, see G.S., § 160A-300. As to authority of town to impose speed restrictions, establish one-way streets, etc., see G.S., § 20-169. As to authority of town to

designate stop and yield intersections, see G.S., §§ 20-158 and 20-158.1. As to authority of town to regulate turning movements, see G.S., § 20-153. As to authority of town to install traffic-control devices, see G.S., §§ 20-169 and 136-31. As to operation of vehicles and rules of the road, see G.S., § 20-138 et seq. As to motor vehicles and traffic generally, see G.S., ch. 20.

Sec. 10-1. Official Traffic Maps codifying certain classes of traffic ordinances--Adopted; where filed and available to public.

(a) The board of aldermen hereby provides that the following classes of ordinances shall be codified by the town clerk by appropriate entries upon one or more official map books to be retained permanently in his office, where they shall be generally accessible to the public:

- (1) Designating the location of traffic-control devices;
- (2) Designating areas or zones where regulations are applied to parking, loading, bus stops, or taxicab stands;
- (3) Establishing speed limits;
- (4) Designating the location of through streets, stop intersections, yield-right-of-way intersections, waiting lanes, one-way streets, or truck traffic routes; and
- (5) Establishing regulations upon vehicle turns at designated locations.

For state law as to authority of board of aldermen to adopt this subsection, see G.S., § 160A-77.

(b) The map book or books mentioned in subsection (a) of this section shall be conspicuously marked "Official Traffic Maps"; and if there be more than one book each book shall be numbered consecutively, beginning with number "1."

(c) All traffic ordinances of those classes mentioned in subsection (a) of this section which are in effect immediately prior to the effective date of this Code are hereby continued in full force and effect; and it shall be the duty of the town clerk, as soon as may be practical after the effective date of this Code, to perform the duties required of him by subsection (a) of this section.

Sec. 10-2. Same--Compliance therewith mandatory, unless a required traffic-control device not in place and sufficiently legible.

It shall be unlawful for any person to violate or fail to comply with any prohibition, restriction, requirement or other regulation codified in the Official Traffic Maps of the town mentioned in section 10-1; provided, that no provision thereof for which any type of traffic-control device is required by state law shall be enforced against an alleged violator if at the time and place of the alleged violation the required traffic-control device is not in place and sufficiently legible to be seen by an ordinarily observant person of average vision.

Sec. 10-3. Required compliance with directives indicated by official traffic-control devices; devices heretofore installed and in place.

(a) It shall be unlawful for any person to violate or fail to comply with any prohibition, restriction, requirement or other regulation indicated by any official traffic-control device which is in place at any location within the town pursuant to any ordinance codified in the Official Traffic Maps mentioned in section 10-1, except by order of a police officer and except as otherwise provided by state law for drivers of certain emergency vehicles.

For state law as to exceptions to right of way rules for drivers of police vehicles, public and private ambulances and rescue squad vehicles, see G.S., § 20-156.

(b) All traffic-control devices heretofore installed by authority of the board of aldermen and which are in place immediately preceding the effective date of this Code shall be deemed to be official traffic-control devices within the purview of this section.

Sec. 10-4. Parking within marked parking spaces required.

On any street which is marked off with lines indicating the parking spaces for vehicles, each vehicle shall be parked between such lines.

Sec. 10-5. Noise.

No person shall sound the horn or other signal device on a vehicle except as a warning of danger; nor shall any person load cargo on any vehicle, drive any vehicle or operate the motor of any vehicle in such manner as to cause unnecessary noise.

For state law as to authority of town to regulate, restrict or prohibit loud noises, see G.S., 160A-184. For state law prohibiting use of muffler cut-outs, see G.S., § 20-128.

Sec. 10-6. Driving on sidewalk prohibited; exception.

The driver of a vehicle shall not drive within any sidewalk area, except at a permanent or temporary driveway.

Sec. 10-7. Driving through funeral processions.

No vehicle shall be driven through a funeral procession, except police vehicles in line of duty and except fire department vehicles, rescue squad vehicles and ambulances responding to calls.

Article II. Abandoned or Junked Motor Vehicles.

For state law as to authority of municipalities to prohibit the abandonment of motor vehicles on the streets or on public or private property and to provide for the removal and disposition of junked or abandoned motor vehicles according to certain procedures, see G.S., § 160A-303.

Sec. 10-8. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Abandoned motor vehicle. An "abandoned motor vehicle" is one that:

- (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 twenty-four 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.

Junked motor vehicle. A "junked motor vehicle" is an abandoned motor vehicle that also:

- (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 worth less than one hundred dollars; or

(4) Does not display a current license plate.

Motor vehicle. A "motor vehicle" is defined to include all machines designed or intended to travel over land or water by self-propulsion or while attached to any self-propelled vehicle.

As to definitions applicable throughout this Code, see § 1-2 of this Code.

Sec. 10-9. Prohibited abandonment.

It shall be unlawful for any person to abandon any motor vehicle within the town or to allow any abandoned or junked motor vehicle to be left on any public street or on any public or private property within the town for more than thirty days.

Sec. 10-10. Removal and storage of junked and abandoned vehicles.

Any junked or abandoned motor vehicle found in violation of section 10-9 may be removed to a storage garage or area, but no such vehicle shall be removed from private property without the written request of the owner, lessee or occupant of the premises unless the board of aldermen or a duly authorized town official or employee has declared it to be a health or safety hazard. The town may require any person requesting the removal of a junked or abandoned motor vehicle from private property to indemnify the town against any loss, expense, or liability incurred because of the removal, storage, or sale thereof. When any junked or abandoned motor vehicle is removed, the town shall give written notice of the removal to the registered owner at his last known address according to the latest registration certificate or certificate of title on file with the state department of motor vehicles. The notice shall inform the owner of the possible sale or other disposition that can be made of the vehicle under this article. The owner may regain possession of the vehicle by paying to the town all reasonable costs incidental to the removal and storage. Notice need not be given to the registered owner of the vehicle when it does not display a license plate and the vehicle identification numbers have been removed or defaced so as to be illegible.

Sec. 10-11. Disposition of unclaimed abandoned motor vehicles; when junked vehicle may be disposed of as abandoned.

After holding an unclaimed abandoned motor vehicle for thirty days, the town may sell or dispose of it as provided by this section. If the vehicle appears to be worth less than one hundred dollars, the town may dispose of the vehicle as a junked motor vehicle as provided by section 10-12. With the consent of the owner, the town may remove and dispose of any motor vehicle as a

junked motor vehicle without regard to the value, condition or age of the vehicle, and without holding it for any prescribed period of time. If the vehicle is worth one hundred dollars or more it shall be sold at public auction. Twenty days' written notice of the sale shall be given to the registered owner at his last known address, the holders of all liens of record against the vehicle, and the state department of motor vehicles. Any person having an interest in the vehicle may redeem it at any time before the sale by paying all costs accrued to date. The proceeds of the sale shall be paid to the town finance officer, who shall pay to the appropriate officers or persons the cost of removal, storage, investigation, sale, and liens in that order. The remainder of the proceeds of sale, if any, shall be paid over to the registered owner, or held by the town for sixty days if the registered owner cannot be located with reasonable diligence. If the owner does not claim the remainder of the proceeds within sixty days after the sale, the funds shall be deposited in the town's general fund and the owner's rights therein shall be forever extinguished. When it receives a town's bill of sale from a purchaser or other person entitled to receive any vehicle disposed of as provided in this section, the department of motor vehicles will issue a certificate of title for the vehicle as required by law.

Sec. 10-12. Disposition of unclaimed junked vehicles.

After holding an unclaimed junked motor vehicle for fifteen days, the town may destroy it or sell it at private sale as junk. Within fifteen days after final disposition of a junked motor vehicle, the town shall notify the state department of motor vehicles that the vehicle has been determined to be a junked motor vehicle and disposed of as such. The notice shall contain as full and accurate a description of the vehicle as can be reasonably determined. Any proceeds from the sale of a junked motor vehicle, after all costs of removal, storage, investigation and sale, and satisfying any liens of record on the vehicle have been deducted therefrom, shall be held by the town for thirty days and paid to the registered owner upon demand. If the owner does not appear to claim the proceeds within thirty days after disposal of the vehicle, the funds shall be deposited in the town's general fund and the owner's rights therein shall be forever extinguished.

Sec. 10-13. Disposition of abandoned or junked vehicles without license plates or identification numbers.

Sections 10-11 and 10-12 shall not apply when the vehicle does not display a license plate and the vehicle identification numbers have been removed or defaced so as to be illegible. Such vehicles may be destroyed or sold at private sale, without regard to value, after being held for forty-eight hours.

Sec. 10-14. Nonliability for disposition of vehicles as provided in this article.

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 this article.

*For state law basis of this section, see G.S.,
§ 160A-303, subsec. (f).*

Sec. 10-15. Exceptions to article.

Nothing in this article shall apply to any vehicle in an enclosed building or any vehicle on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise, or to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the town.

Article III. Registration and Licensing of Vehicles.

*For state law as to authority of town to levy
annual license tax on resident motor vehicles
and on vehicles operated in the town as
taxicabs, see G.S., §§ 20-97, 160A-213.*

Sec. 10-16. Resident motor vehicles required to be registered, with exceptions; period of registration; fee.

Every resident motor vehicle operated in the town, except motor vehicles temporarily operated for a period or periods of time not exceeding a total of fourteen days during any one year; and except motor vehicles operated for display or exhibition purposes by manufacturers or dealers, and displaying dealers' license plates issued by the State of North Carolina, shall be registered with the Town of East Spencer. The period of registration shall include the twelve months beginning with January 1 of the year of registration, namely, from January 1 to December 31. The fee for registration shall be one dollar, not prorated; provided, that it shall not be unlawful to operate a motor vehicle within the town after the expiration of the registration period, between the 31st day of December and the 15th day of February. (12-3-73, § 1.)

*For charter provision as to duty of town tax
collector to collect all town license fees, see
Char., § 6.2.*

*For state law as to duty of town tax collectors
to collect town license taxes and issue town
licenses, see G.S., § 105-33, subsec. (i).*

Sec. 10-17. Issuance of number plates; duplicates for plates lost or destroyed.

For every motor vehicle registered the registrar shall issue to the person registering it an appropriate number plate or sticker. Upon satisfactory evi-

dence that any such registration number plate or sticker has been lost or destroyed, the registrar shall issue to the owner, or operator, of such registered vehicle a duplicate thereof. (12-3-73, § 2.)

Sec. 10-18. Transferability and use of number plates.

A number plate or sticker shall not be transferred from one vehicle to another, and shall not be used by any person upon any motor vehicle except the one for which it was issued, nor shall it be used upon such vehicle except as long as such vehicle remains the property of the person to whom it belongs at the time of registration, and in whose name it was registered. (12-3-73, § 3.)

Sec. 10-19. Required display of plates on vehicles. *No longer used.*

Every motor vehicle driven on the streets of the town or operated thereon, and for which registration is required, shall display on the front or rear of such motor vehicle the number plate or sticker issued therefor by the town. Every such number plate or sticker shall be displayed throughout the current year for which it is issued in such manner as to be visible at all times. (12-3-73, § 4.)

Sec. 10-20. Penalty for failure to display plates as required.

The owner of any vehicle not displaying such number plate as provided by this article after February 15 in any calendar year, or any person purchasing such plate after February 15, shall pay a penalty of one dollar in addition to the one dollar registration fee when such plate is purchased. The one dollar penalty provided in this section shall not apply to vehicles purchased after February 15. (12-3-73, § 5.)