

CITY OF CLAREMONT
Ordinance 14-25

AN ORDINANCE OF THE CITY OF CLAREMONT, MODIFYING CERTAIN SECTIONS OF THE CITY OF CLAREMONT CODE OF ORDINANCES TO BETTER ALIGN WITH APPLICABLE STATE STATUTES AND LEGISLATIVE MANDATES CONCERNING CRIMINAL PENALTIES.

WHEREAS, the City of Claremont finds it necessary to modify certain sections of the City Code of Ordinances to ensure consistency with applicable state statutes and legislative mandates; and

WHEREAS, the City Council of the City of Claremont seeks to align local regulations with state-imposed requirements and to ensure appropriate and proportionate criminal penalties; and

WHEREAS, the modification of these ordinances will enhance clarity, enforceability, and compliance with state law;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLAREMONT,

Section One. Amendments

That Title Seven, Chapter 1 of the City of Claremont Code of Ordinances are hereby amended to reflect state-mandated changes concerning the decriminalization or reclassification of certain offenses (NCGS 160A-175) by changing the following (new language appears as highlighted; deleted language and/or sections appear as “strike-through”):

Title Seven, Chapter 1, General Traffic Regulations

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ARTICLE A

Words and Phrases Defined

Sec. 7-1-1 Definitions of words and phrases.

The following words and phrases when used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section, except in any instance where otherwise specifically provided or where the context clearly indicates **indicates** a different meaning.

- (1) Alley. A thoroughfare through the middle of a block.
- (2) Authorized emergency vehicle. Vehicles of the fire department, police vehicles, ~~and~~ ambulances, and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the chief of police.
- (3) Bicycle. Every device propelled by human power upon which any person may ride, having two (2) tandem wheels either of which is over 20 inches in diameter.

(4) Block. A portion of any street located between any two (2) intersections of any two (2) streets or public alleyways next adjacent to each other.

(5) Commercial vehicle. Every vehicle designed, maintained, or used primarily for the transportation of property.

(6) Crosswalk. That portion of any street or roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections. Any portion of a roadway or street distinctly indicated for pedestrian crossing by lines or other markings on the surface of the street or roadway.

(7) Curb loading zone. A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

(8) Driver. Every person who shall drive or who shall be in actual physical control of the operation of any vehicle.

(9) Freight curb ~~having~~ loading zone. A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight or passengers.

(10) Intersection.

a. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of the two (2) highways which join one another at or approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

b. Where a highway includes two (2) roadways 30 feet or more apart, then every crossing of each roadway of the divided highway by an intersecting highway shall be regarded as a separate intersection. In the event the intersecting highway also includes two (2) roadways 30 feet or more apart, then every crossing of two (2) roadways of the highways shall be regarded as a separate intersection.

(11) Laned roadway. A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

(12) Motorcycle. Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

(13) Motor vehicle. Every vehicle which is self-propelled and every vehicle designed to run upon the streets which is pulled by a self-propelled vehicle.

(14) Official time standard. Whenever certain hours are named herein they shall mean standard time or daylight saving time as may be in current use in the city.

(15) Official traffic control device. Any sign, signal, marking or device, not inconsistent with ~~this chapter~~ **this chapter**, placed or erected by authority of the board by a designated official having jurisdiction through authority given by the board, for the purpose of regulating, warning, prohibiting or guiding traffic upon the public streets and thoroughfares of the city.

(16) Official traffic signals. Any device, whether manually, electrically or mechanically operated, whereby traffic is alternately directed to stop and to proceed, or to turn, or to proceed with caution.

(17) Park. The standing of any vehicle, whether occupied or unoccupied, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading passengers or cargo.

(18) Passenger curb loading zone. A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

(19) Pedestrian. Any person afoot.

(20) Person. Every natural person, firm, co-partnership, association or corporation.

(21) Police officer. ~~Every peace officer of the city, including every employee of the city authorized and empowered to regulate traffic and to make arrests for any violations of the provisions of this chapter.~~ A North Carolina certified, and sworn, law enforcement officer with appropriate territorial and subject matter jurisdiction to regulate traffic and to make arrests for any violations of the provisions of this chapter.

(22) Private road or driveway. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(23) Public conveyance. Any vehicle other than a taxicab or railroad train for transporting persons for a fare.

(24) Right-of-way. The privilege of the immediate use of the street or roadway.

(25) Roadway. That portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways, the term "roadway" as used herein shall refer to any roadways separately but not to all roadways collectively.

(26) Safety zone. The area or space officially set apart within any roadway for the exclusive use of pedestrians and which space shall be so protected or marked or indicated by visible and adequate markers or signs as shall be visible at all times while so set apart as a safety zone for pedestrians.

(27) 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.

(28) Standing. Any stopping of any vehicle, whether or not the vehicle is occupied during the period of stopping.

(29) Stop. When required, means the complete cessation of movement of any vehicle.

(30) Stop or stopping. When prohibited, means any stopping of any vehicle, except when the stopping means that it shall be necessary to stop the vehicle to avoid conflict with other traffic or in compliance with direction of any police officer of the city or by reason of any traffic control sign or signal or by reason of any emergency.

(31) Street and highway. The entire width between property lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for the purposes of vehicular traffic.

(32) Through highway. Every street or highway or portion thereof at the entrances to which vehicular traffic from intersecting streets or highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter.

(33) Traffic. Pedestrians, ridden or herded animals, vehicles of all kinds, conveyances, tractors, bicycles, motorcycles and the like, either singly or together, while using any street or alleyway for travel, including the operation of, the loading or unloading of or the parking of any vehicle upon any of the public streets of the city.

(34) Vehicle. Every device used in, upon, or by which any person or property is or may be transported or drawn upon any street within the corporate limits, and for the purposes of this chapter any bicycle shall be deemed a vehicle.

State Law Reference: Municipal authority to regulate traffic generally. G.S. 160A-300; motor vehicles **vehicles**. G.S. Ch. 20.

Secs. 7-1-2 through 7-1-10 reserved.

ARTICLE B

Enforcement of, and obedience to, traffic regulations

Sec. 7-1-11 Authority of police and fire department officials.

(a) It shall be the duty of the officers of the police department to enforce all street traffic laws and all of the state vehicle laws applicable to street traffic.

(b) Officers of the police department are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws; provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

(c) Officers of the fire department, when at the scene of a fire **or other public safety incident**, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

~~Sec. 7-1-12 Obedience to police and fire department officials.~~

~~—No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.~~

Sec. 7-1-~~13~~**12** Authorized emergency vehicles.

The provisions of this article regulating the operation, parking, and standing of vehicles shall apply to authorized emergency vehicles, as defined in this article, except as provided under state law.

State Law Reference: Emergency vehicles, exceptions to right-of-way rules. G.S. 20-156.
Secs. 7-1-14¹³ through 7-1-20 reserved.

ARTICLE C

Traffic Control Devices

~~Sec. 7-1-21 Obedience to signs, markers or devices, generally.~~

~~—Any person failing or refusing to comply with the directions indicated on any sign, marker or device for the control or direction of traffic erected or placed in accordance with the provisions of this article when so placed or erected shall be guilty of a misdemeanor. This section shall not be construed to apply when the driver of a vehicle is otherwise directed by a police officer or when an exception is granted to the driver of an authorized emergency vehicle under section 7-1-13.~~

~~Sec. 7-1-22 Signs as prerequisite to enforcement.~~

~~—No provisions of this article 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 an ordinarily observant person.~~

~~Sec. 7-1-23 Traffic control signal legend.~~

~~—Whenever traffic is controlled by traffic control signals (appendix I, section 101) exhibiting the words, "Go," "Caution," or "Stop," or exhibiting different colored lights successively one (1) at a time, or with arrows, the following colors only shall be used and the terms and light shall indicate and apply to drivers of vehicles and pedestrians as follows:~~

~~—(1) Green alone or "Go."~~

~~—a. Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at the place prohibitseitherturn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited.~~

~~—b. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.~~

~~—(2) Yellow alone or "Caution" when shown following the green or "Go" signal.~~

~~—a. Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter and the vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.~~

~~—b. No pedestrian facing the signal shall enter the roadway until the green or "Go" is shown.~~

~~—(3) Red alone or "Stop."~~

~~—a. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection shall remain standing until green or "Go" is shown alone; provided, however, that if a sign is not erected prohibiting turns on red lights, the vehicles may turn right on red lights after coming to a complete stop. Streets on which right turns on red are not allowed are set out in appendix I, section 102, hereof.~~

~~—b. No pedestrian facing the signal shall enter the roadway unless the green or "Go" is shown alone unless authorized to do so by a pedestrian "Walk" signal.~~

~~—(4) Red with green arrow.~~

~~—a. Vehicular traffic facing the signal may cautiously enter the intersection only to make the movement indicated by the arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.~~

~~—b. No pedestrian facing the signal shall enter the roadway until the green or "Go" is shown.~~

~~—(5) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any sign or marking the stop shall be made at the signal. (Ord. of 3/3, 52, No. 105, part)~~

Sec. 7-1-24 Flashing signals,

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

~~—(1) Flashing red (stop signal). When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall come to a complete stop before entering the nearest crosswalk at an intersection or at a limit line when marked, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign. In no event shall the vehicle be driven into the crosswalk unless and until the entry can be made with safety to other persons and property at the place.~~

~~—(2) Flashing yellow (caution signal) (appendix I, section 103). When a yellow lens is illuminated with rapid intermittent flashes, drivers or operators of vehicles may proceed through the intersection past the signal only with caution.~~

Sec. 7-1-25²¹ Display of unauthorized signs, signals or markings.

(a) No person shall place, maintain, or display upon or in view of any street or highway any unauthorized sign, signal, marking, or device which purports to be or is imitation of or resembles an official traffic control device, sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device, sign or signal, nor may any person place or maintain, nor shall any public authority permit, upon any street or highway any traffic sign or signal bearing thereon any commercial advertising.

~~—(b) No person shall place or maintain, nor shall any public authority permit upon any street or highway any traffic sign or signal bearing thereon any commercial advertising.~~

Sec. 7-1-26²² Interference with official traffic control devices, signs or signals.

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device, sign or signal or any inscription, shield, or insignia thereon, or any other part thereof.

Sec. 7-1-27²³ Traffic lanes.

When traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep the vehicle within the boundaries of any lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

Sec. 7-1-28²⁴ Zone of quiet.

Whenever authorized signs are placed indicating a zone of quiet, the person operating a motor vehicle within the zone shall not sound the horn or any other warning device, except in an emergency.

Sec. 7-1-29²⁵ School zones.

Whenever authorized signs are placed designating any street or part thereof, as a school zone, drivers of motor vehicles using the street shall exercise the greatest care for the protection of ehIdren^{children}.

Sec. 7-1-30²⁶ Yield signs.

The driver of a vehicle approaching a yield sign erected at those intersections described in appendix I, section 104, shall and in obedience to the sign slow down and yield the right-of-way to any pedestrian crossing the roadway on which he is driving and to any vehicle in movement on the main traveled or through highway or street which is approaching so as to arrive at the intersection at approximately the same time as the vehicle entering the main traveled or through street or highway.

Any violation of any section of this article shall be an infraction and shall carry a fine of not more than fifty dollars (\$50.00), as provided in N.C. Gen. Stat. § 14-4 or other applicable law.

Secs. 7-1-31²⁷ through 7-1-40 reserved.

ARTICLE D

Speed Regulations

Sec. 7-1-41 General.

~~—Except as otherwise provided in this article, it shall be unlawful to operate a vehicle in excess of 35 miles per hour inside the corporate limits.~~

~~—State Law Reference: General 35 mph speed limit within municipal corporate limits, G.S. 20-141.~~

Sec. 7-1-4241 Exceptions Speed Limits on State Highway System within Corporate Limits.

(a) It shall be unlawful to operate a vehicle in excess of the speeds listed below upon the streets or portions of streets of the state highway system listed in each designated appendix hereby made a part hereof:

- (1) Twenty miles per hour (appendix I, section 105)
- (2) Twenty-five miles per hour (appendix I, section 106)
- (3) Thirty miles per hour (appendix I, section 107)
- (4) Forty miles per hour (appendix I, section 108)
- (5) Forty-five miles per hour (appendix I, section 109)
- (6) Fifty miles per hour (appendix I, section 110)
- (7) Fifty-five miles per hour (appendix I, section 111)

(b) It shall be unlawful to operate a vehicle in excess of the speeds listed below upon the streets or portions of streets, not a part of the state highway system, listed in each designated appendix, hereby made a part hereof:

- (1) Twenty miles per hour (appendix I, section 112)
- (2) Twenty-five miles per hour (appendix I, section 113)
- (3) ~~Thirty~~ Thirty miles per hour (appendix I, section 114)
- (4) Thirty-five miles per hour (appendix I, section 115)
- (5) Forty-five miles per hour (appendix I, section 116)
- (6) Fifty miles per hour (appendix I, section 117)
- (7) Fifty-five miles per hour (appendix I, section 118)

Secs. 7-1-4342 through 7-1-50 reserved.

ARTICLE E

Turning Movements

Sec. 7-1-51 Turning markers.

When authorized markers, buttons, or other indicators are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of the indicators.

Sec. 7-1-52 Authority to place restricted turn signs.

The council shall determine those intersections at which drivers of vehicles shall not make a right, left, or U-turn and shall place proper signs at these intersections. The making of the turns may be prohibited between certain hours of any day and permitted at other hours, in which event the hours shall be plainly indicated on the signs, or they may be removed when the turns are permitted. Restrictions on turning movements shall be as specified in appendix I, sections 119 through 121 hereby incorporated herein.

Sec. 7-1-53 Obedience to no-turn signs.

Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any sign.

Any violation of any section of this article shall be an infraction and shall carry a fine of not more than fifty dollars (\$50.00), as provided in N.C. Gen. Stat. § 14-4 or other applicable law.

Sec. 7-1-54 through 7-1-60 reserved.

ARTICLE F

One-Way Streets and Alleys

Sec. 7-1-61 Authority to sign one-way streets and alleys.

Whenever any ordinance designates any one-way street or alley there shall be signs giving notice thereof, and no regulation shall be effective unless the signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

Sec. 7-1-62 One-way streets and alleys.

Upon those streets and parts of streets and in those alleys described in appendix I, section 122, hereby made a part hereof, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

Any violation of any section of this article shall be an infraction and shall carry a fine of not more than fifty dollars (\$50.00), as provided in N.C. Gen. Stat. § 14-4 or other applicable law.

Secs. 7-1-63 through 7-1-70 reserved.

ARTICLE G

Special Stops Required

Sec. 7-1-71 Through streets designated.

Those streets and parts of streets described in appendix I, section 123, hereby made a part hereof, are declared to be through streets for the purpose of this article.

Sec. 7-1-72 Authority to erect stop signs.

Whenever any ordinance designates and describes a through street, there shall be a stop sign on each and every street intersecting the through street or intersecting portion thereof described and designated as such by any ordinance unless traffic at any intersection is controlled at all times by traffic control signals; provided, however, that at the intersection of two (2) through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of the streets.

Sec. 7-1-73 Intersections where stop required.

The council may determine and designate intersections where particular hazard exists upon other than through streets and may determine whether vehicles shall stop at one (1) or more entrances to any stop intersection, and shall erect a stop sign at every place where a stop is required. These places are specified in appendix I, section 124, hereby made a part hereof.

Sec. 7-1-74 Signs to bear the word "Stop."

Every sign erected pursuant to this article shall bear the word "Stop" in letters not less than eight (8) inches in height and the signs shall at nighttime be rendered luminous by steady or Hashing internal illumination, or by a fixed floodlight projected on the face of the sign, or by efficient reflecting elements on the face of the sign. Every stop sign shall be located as near as practicable at the nearest line of the crosswalk on the side of the intersection or, if none, at the nearest line of the roadway.

Sec. 7-1-75 Vehicles to stop at stop signs.

(a) Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection described in appendix I, section 124 of this code and indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection, or, in the event there is no crosswalk, shall stop at a clearly marked stop line, or, if known then, at the point nearest the intersecting roadway where the driver has a view of ~~approaching traffic~~ **approaching traffic** on the intersecting roadway before entering the intersection.

(b) The driver having stopped in obedience to a stop sign at an intersection shall proceed cautiously yielding the right-of-way to all vehicles not so obliged to stop which are approaching the intersection.

Any violation of any section of this article shall be an infraction and shall carry a fine of not more than fifty dollars (\$50.00), as provided in N.C. Gen. Stat. § 14-4 or other applicable law.

Secs. 7-1-76 through 7-1-80 reserved.

ARTICLE H

Miscellaneous Driving Rules

~~Sec. 7-1-81 Spinning of wheels prohibited.~~

~~It shall be unlawful for any person, upon any street, highway, road, alley, drive, or other public way or upon the grounds and premises of any service station, drive-in theatre, store, restaurant or other business establishment providing parking or loading and unloading automobile space for customers, patrons or the public, to operate a motor vehicle from a standing or parked position by rapid acceleration or other mechanical means of operation so as to cause the wheels of the vehicle~~

~~to spin in place prior to or during the initial forward movement of the vehicle; or to operate a vehicle so as to cause the vehicle in its initial movement from a standing or parked position to travel at a rate of speed greater than is reasonable and necessary for the normal operation of a motor vehicle according to accepted standard practices for vehicle operation or at a rate of speed or in such a manner as will endanger or likely endanger persons or property, or in a heedless manner disregarding the rights of others, or without due caution. (Ord. of 3/3/52, No. 106. revised)~~

~~Sec. 7-1-82 Careless operation of motor vehicles.~~

~~—It shall be unlawful for any person to operate any motor vehicle carelessly and without caution, at a speed or in a manner to endanger, or likely to endanger, lives or property, within the city. (Ord. of 3/3/52, No. 102).~~

~~Secs. 7-1-83 through 7-1-90 reserved.~~

ARTICLE I

Pedestrian Rights and Responsibilities

~~Secs. 7-1-91 through 7-1-100 reserved.~~

ARTICLE JH

Regulation for Bicycles

Sec. 7-1-401⁸¹ Effect of regulations.

- (a) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any child or ward to violate any of the provisions of this article.
- (b) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

Sec. 7-1-402⁸² Traffic laws apply to persons riding bicycles.

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles or by this chapter applicable to the driver of a vehicle, except as to special regulations in this article and except as to those provisions of laws and ordinances which by their nature can have no application.

Sec. 7-1-403⁸³ Obedience to traffic control devices.

- (a) Any person operating a bicycle shall obey the instructions of official traffic control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer.

(b) Whenever authorized signs are erected indicating that no right, left or U-turn is permitted, no person operating a bicycle shall disobey the direction of any sign, except where the person dismounts from the bicycle to make any turn, in which event the person shall then obey the regulations applicable to pedestrians.

Sec. 7-1-104~~84~~ Riding on bicycles.

(a) A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.

(b) No bicycle shall be used to carry more persons at one (1) time than the number for which it is designed and equipped.

Sec. 7-1-105~~85~~ Riding on roadways and bicycle paths.

(a) Every person operating a bicycle upon a roadway shall ride as near to the right hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one (1) proceeding in the same direction.

(b) Persons riding bicycles upon a roadway shall not ride ~~more than~~ **more than** two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(c) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use the path and shall not use the roadway.

Sec. 7-1-106~~86~~ Speed.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

Sec. 7-1-107~~87~~ Carrying articles.

No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one (1) hand upon the handlebars.

Sec. 7-1-108~~88~~ Riding on sidewalks.

No person shall ride a bicycle upon any sidewalk within the city.

Sec. 7-1-109 Lamps required at night.

~~No person shall ride a bicycle on any street or highway between sunset on any day and sunrise on the following day unless the same is equipped with an operating and lighted lantern or lamp.~~

Any violation of any section of this article shall be an infraction and shall carry a fine of not more than fifty dollars (\$50.00), as provided in N.C. Gen. Stat. § 14-4 or other applicable law.

Secs. 7-1-~~110~~89 through 7-1-~~120~~95 reserved.

ARTICLE KJ

Method of Parking

Sec. 7-1-~~121~~96 Standing or parking close to curb.

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement and with the right hand wheels of the vehicle within 12 inches of the curb or edge of the roadway except as otherwise provided in this article or properly directed by pavement ~~mark-ings~~ markings duly marked by the city.

Sec. 7-1-~~122~~ Unattended vehicles.

~~It shall be unlawful for any person, firm or corporation to park or leave unattended any motor vehicle within the right of way of any public alley while the engine is running. (Ord. of 5/9/72, revised)~~

Any violation of any section of this article shall be an infraction and shall carry a fine of not more than fifty dollars (\$50.00), as provided in N.C. Gen. Stat. § 14-4 or other applicable law.

Secs. 7-1-~~123~~97 through 7-1-~~130~~105 reserved.

ARTICLE LK

Stopping, Standing or Parking Prohibited in Specified Places

Sec. 7-1-~~131~~106 Stopping, standing or parking prohibited; no signs required.

(a) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places:

- (1) on a sidewalk;
- (2) ~~in front of a public or private driveway;~~
- (3) ~~within an intersection;~~
- (4) ~~within 15 feet of a fire hydrant;~~

- (52) on a crosswalk;
 - (6) within 25 feet of an intersection;
 - (73) within 30 feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway;
 - (84) between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless signs or markings indicate a different length;
 - (95) within 50 feet of the nearest rail of a railroad crossing.
 - (106) within 30 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance (when properly sign posted);
 - (117) alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
 - (128) on a roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - ~~(13) upon any bridge or other elevated structure upon a highway or within a highway tunnel;~~
 - or
 - (149) at any place where official signs prohibit stopping.
- (b) No person shall move a vehicle not lawfully under his control into any prohibited area or away from a curb any distance as is unlawful. (Ord. of 3 3 52, No. 104, part)

Sec. 7-1-132 **107** Parking not to obstruct traffic.

No person shall park any vehicle upon a street, in a manner or under any conditions as to leave available less than 15 feet of the width of the road-way **roadway** for free movement of vehicular traffic.

Sec. 7-1-133 **108** Standing or parking for certain purposes prohibited.

It shall be unlawful for any person to stand or park a vehicle upon any street of the city for the principal purposes of:

- (1) displaying for sale;
- (2) washing, greasing or repairing such vehicle, except repairs made necessary by a bona fide emergency;
- (3) storing by garages, dealers or other persons when the storing is not incident to the bona fide use and operation of the automobile or other vehicle; and
- (4) storing of any detached trailer or van when the towing unit has been disconnected or for the purpose of transferring merchandise or freight from one (1) vehicle to another.

Sec. 7-1-134~~109~~ No stopping, standing or parking near hazardous or congested places.

When official signs are erected at hazardous or congested places no person shall stop, stand or park a vehicle in any designated place.

Sec. 7-1-135~~110~~ Stopping, standing or parking for primary purpose of advertising prohibited.

No person shall stand or park on any street any vehicle for the primary purpose of advertising.

Any violation of any section of this article shall be an infraction and shall carry a fine of not more than fifty dollars (\$50.00), as provided in N.C. Gen. Stat. § 14-4 or other applicable law.

Secs. 7-1-136~~111~~ through 7-1-140~~120~~ reserved.

ARTICLE ML

Stopping for Loading or Unloading Only

Sec. 7-1-141~~121~~ Loading and unloading zones.

Whenever vehicle loading and ~~unloading zones~~ unloading zones are designated and described by this article and when signs are placed, erected or installed, giving notice thereof, it shall be unlawful for any person to stop, stand or park any vehicle ~~for any~~ for any purpose or period of time except in accordance with the requirements of this article.

Sec. 7-1-142~~122~~ Loading zones for freight and goods.

The streets, or parts thereof, described in appendix I, section 125, hereby incorporated herein, are hereby designated as freight loading and unloading zones, and no person shall stop, stand or park a vehicle therein during the hours of 8:00 a.m. to 6:00 p.m. for any purpose other than the expeditious loading or unloading of freight, equipment, or other goods and then only for a period not to exceed one (1) hour.

Sec. 7-1-143~~123~~ Loading zones for passengers.

The streets, or parts thereof, described in appendix I, section 126, hereby incorporated herein, are hereby designated as passenger loading and unloading zones, and no person shall stop, stand or park a vehicle therein during the hours of 8:00 a.m. to 6:00 p.m. for any purpose other than the expeditious loading or unloading of passengers and then only for a period not to exceed five (5) minutes.

Sec. 7-1-144¹²⁴ Public carrier stops and stands.

Bus stands, taxicab stands and stands for other passenger common-carrier motor vehicles, designated by appropriate signs, shall be as specified in appendix I, section 127, hereby made a part hereof. No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any stop has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when stopping does not interfere with any bus, or taxicab waiting to enter or about to enter the zone.

Any violation of any section of this article shall be an infraction and shall carry a fine of not more than fifty dollars (\$50.00), as provided in N.C. Gen. Stat. § 14-4 or other applicable law.

Secs. 7-1-145¹²⁵ through 7-1-150¹³⁵ reserved.

ARTICLE NM

Stopping, Standing or Parking Restricted or Prohibited on Certain Streets

Sec. 7-1-151¹³⁶ Application of article.

The provisions of this article prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

Sec. 7-1-152¹³⁷ Regulations not exclusive.

The provisions of this article imposing a time limit on parking shall not relieve any person from ~~the duty to observe~~ **observing** other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

Sec. 7-1-153¹³⁸ Parking prohibited at all times on certain streets.

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described in appendix I, section 128, hereby made a part hereof.

Sec. 7-1-154¹³⁹ Parking prohibited at certain times on certain streets.

When signs are erected giving notice thereof, no person shall park a vehicle for longer than the times specified upon any of the streets described in appendix I, sections 129 through 131, hereby made a part hereof.

Sec. 7-1-~~155~~**140** Parking time limited at certain times on certain streets.

When signs are erected in each block giving notice thereof, no person shall park a vehicle for longer than the times specified within the district or upon any of the streets described in appendix I, sections 132 through 134, hereby made a part hereof.

Sec. 7-1-~~156~~**141** Parking signs required.

Whenever by this or any other article any parking time limit is imposed or parking is prohibited in designated streets, there shall be appropriate signs giving notice thereof and no regulations shall be effective unless the signs are erected and in place at the time of any alleged offense.

Any violation of any section of this article shall be an infraction and shall carry a fine of not more than fifty dollars (\$50.00), as provided in N.C. Gen. Stat. § 14-4 or other applicable law.

Secs. 7-1-~~157~~**142** through 7-1-~~160~~**145** reserved.

ARTICLE ~~OM~~**M**

Restrictions on Movement of Trucks

Sec. 7-1-~~161~~**146** Trucks restricted on certain streets.

(a) It shall be unlawful for any person to drive or operate a loaded truck over or upon any of the streets described in appendix I, section 135, except when making a delivery.

(b) It shall be unlawful for any person to drive or operate a truck ~~having a~~ **having a** gross weight of greater than three-fourths (3/4) of one (1) ton over or upon any of the streets described in appendix I, section 136.

Any violation of any section of this article shall be an infraction and shall carry a fine of not more than fifty dollars (\$50.00), as provided in N.C. Gen. Stat. § 14-4 or other applicable law.

Secs. 7-1-~~162~~**147** through 7-1-~~170~~**155** reserved.

Article ~~PN~~**N**

Enforcement Procedure for Parking Violations

Sec. 7-1-~~171~~**156** Notice that vehicle has been parked illegally, overtime or in violation of article; duty of police.

If any vehicle shall be found illegally parked or parked overtime or in violation of any of the provisions of this article, it shall be the duty of the chief of police or other police or peace officers

of the city to attach to such vehicle a notice to the owner or operator thereof, if the owner or operator is absent, or to deliver to the owner or operator, if he is present, a notice to the effect that such vehicle has been illegally parked or parked overtime or in violation of a provision of this article.

Sec. 7-1-172¹⁵⁷ Same; **civil** penalty.

An owner or operator of a vehicle may, within 24 hours from the time the notice referred to in section 7-1-171¹⁵⁶ was attached to the vehicle or delivered to the owner or operator, pay to the city, as a penalty for the offense indicated in the notice, the sum of two dollars (\$2¹⁵.00). An owner or operator may, after 24 hours but within 10 days from the time the notice was attached or delivered, pay to the city, as a penalty for the offense, the sum of **fifty dollars** (\$40⁵⁰.00). Failure of the owner or operator of such vehicle to appear and pay the penalty within the 10 day period shall subject the owner or ~~operator~~ **operator** to the penalties provided in section 7-1-174¹⁵⁹.

Sec. 7-1-173¹⁵⁸ Operator to comply with article; effect of proof of ownership of vehicle.

The person actually operating or in control of the operation of the vehicle at the time that such vehicle is parked shall be charged with the duty of complying with the provisions of this article; provided, that proof of ownership of any vehicle found parked in violation of this article shall be prima facie evidence that the owner parked the vehicle.

Sec. 7-1-174¹⁵⁹ **Criminal** Penalty.

Any violation of this article shall be an infraction and shall carry a fine of not more than fifty dollars (\$50.00), as provided in N.C. Gen. Stat. § 14-4 or other applicable law.

§§ 7-1-160 through 7-1-165 reserved.

ARTICLE **QO**

Regulate Operation of Golf Carts

Sec. 7-1-175¹⁶⁶ Purpose, disclaimer, and assumption of risk.

(a) The purpose of this article is to provide a means of travel that is convenient, cost-effective, and energy-efficient. In order to promote the safety of drivers, passengers, and the general public in the City of Claremont, the operation of golf carts must comply with applicable state laws and City of Claremont regulations pertaining to the operation of traditional motor vehicles and must also comply with the specific provisions included in this article.

(b) The City of Claremont shall in no way be liable for accidents, injuries, or deaths involving or resulting from the operation of a golf cart.

(c) Any person who owns, operates, or rides on a golf cart on a public street within the City of Claremont does so at his or her own risk and peril and assumes all liability resulting from the operation of the golf cart. (Ord. of 3-6-17, No. 04-17, Sec. 2)

Sec. 7-1-176¹⁶⁷ Definitions of words and phrases.

The following words and phrases when used in this chapter shall, for the purpose of this chapter,

have the meanings respectively ascribed to them in this section, except in any instance where otherwise specifically provided or where the context clearly indicates a different meaning.

(a) *Golf Cart*. A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of twenty (20) mph.

(b) *Golf Cart Operator*. The individual in physical control of a golf cart that is moving or has its key inserted and in the on position.

(Ord. of 3-6-17, No. 04-17, Sec. 2)

Sec. 7-1-177¹⁶⁸ Operation of golf carts permitted.

(a) Golf carts may be operated on the public streets and property owned or leased by the City of Claremont only in accordance with the provisions of this article. However, it shall be unlawful to operate any golf cart that is not properly registered with and permitted by the City of Claremont or to operate any golf cart at any place or in any manner not authorized herein.

(b) Except for North Oxford Street, a golf cart may be operated between the hours of 7 a.m. and 11 p.m. on all public streets in the City of Claremont that are posted at a speed limit of 35 mph or lower. Golf carts are not permitted to be operated on North Oxford Street except the operation of golf carts is permitted to allow golf carts to cross directly in a straight line from one side of North Oxford Street to the other side of North Oxford Street. Operation of golf carts outside of these time and space limitations is prohibited.

(c) The operation of golf carts in the following circumstances is exempt, and is not subject to the provisions of this article:

(1) The operation of golf carts on private property, with the consent of the owner

(2) The operation of golf carts on private streets,

(3) The use of a golf cart in connection with a parade, a festival, or other special event provided the consent of the sponsor is obtained, the police department is notified, and provided the golf cart is only used during such event; and

(4) The use of golf carts by City of Claremont personnel, other governmental agencies, and/or public services agencies on official business.

(Ord. of 3-6-17, No. 04-17, Sec. 2)

Sec. 7-1-178¹⁶⁹ Golf carts do not qualify as electric personal mobility devices.

Golf carts do not qualify as electric personal mobility devices to assist handicapped or elderly individuals. All golf carts operated in the City of Claremont on public streets must be properly registered with and permitted by the City of Claremont.

Sec. 7-1-179¹⁷⁰ Registration and permit requirements.

(a) An initial registration and annual renewal fee will be charged by the City of Claremont as referenced in the City of Claremont's Schedule of Fees to cover the costs of implementing and maintaining this article.

(b) No golf cart may be operated on any public street within the City of Claremont or on any property owned or leased by the City of Claremont unless the golf cart has first been registered with the City of Claremont and permitted as required herein. The registration and permit shall be renewed annually thereafter in accordance with the provisions of this article.

(c) The owner shall complete an application provided by the City of Claremont and the golf cart shall be inspected by the City of Claremont Police Department for compliance with the provisions of this article prior to the issuance of an annual permit for the golf cart. To evidence that registration, the owner shall be issued an annual registration decal which shall be displayed on the driver's side of the golf cart.

(d) In order to register a golf cart and secure an annual permit, the owner and golf cart must meet the following basic requirements:

- (1) The owner must be at least eighteen (18) years old and possess a valid driver's license;
- (2) The owner must possess and maintain liability insurance in an amount not less than minimum limits required by North Carolina state law for motor vehicles operated on public streets in the state (currently § 20-279.221 of G.S. Ch. 20, Article 9A);
- (3) The golf cart must not have been modified to exceed a speed of twenty (20) mph; and

(e) In order to register a golf cart and secure an annual permit, a golf cart must have the following safety features installed:

- (1) Two (2) operating front headlights, visible from a distance of at least two hundred fifty (250) feet;
- (2) Two (2) operating tail lights, with brake lights and turn signals, visible from a distance of at least two hundred fifty (250) feet;
- (3) A rear vision mirror;
- (4) At least one (1) reflector per side;
- (5) A parking brake;
- (6) A windshield; and
- (7) Must be limited to a maximum of three (3) rows of seats.

(f) Prior to the issuance of an initial permit or annual renewal, the City of Claremont Police Department shall inspect the golf cart for compliance with the requirements of this article. No golf cart shall be registered and permitted unless it is in compliance with all requirements of this section.

(g) Prior to the issuance of an initial permit or annual renewal, the owner shall sign an acknowledgment as part of the application for permit that he/she has read and understands the provisions of this article.

(h) All-terrain vehicles, 4-wheel utility vehicles, go-karts, and other similar utility vehicles which are not manufactured for operation on a golf course, and/or a golf cart which has been modified so that it no longer meets the definition of a golf cart may not be registered as a golf cart under this article nor shall such vehicles be operated on public streets within the City of Claremont, unless such vehicles are registered and permitted under the motor vehicle laws of the state.

(Ord. of 3-6-17, No. 04-17, Sec. 2)

Sec. 7-1-180~~171~~ Standards of operation.

(a) It is unlawful to operate a golf cart on a public street within the City of Claremont unless the following requirements are met:

(1) A golf cart must display a valid City of Claremont issued annual registration decal.

(2) No person may operate a golf cart unless that person is at least eighteen (18) years of age and is licensed to drive upon the streets, roads, and highways of the state and then, only in accordance with such driver's license. An operator of a golf cart must be a licensed driver as required by the laws of their home state. The operator must have a valid driver license in his/her possession while operating the golf cart.

(3) The driver and each passenger must be properly seated while the golf cart is in motion. The seating capacity as designed for the golf cart shall not be exceeded. The operator of the golf cart shall be responsible for compliance by each passenger with this provision.

(4) No golf cart may be operated at a speed greater than reasonable and prudent for the existing conditions, and in no instance at a speed greater than twenty (20) miles per hour.

(5) Golf carts must be operated at the extreme right of roadway and must yield to all vehicular and pedestrian traffic.

(6) No golf cart may be operated in a negligent, careless or reckless manner.

(7) Golf carts must be operated in accordance with all applicable state and local traffic laws and ordinances, including all laws, regulations and ordinances pertaining to the possession and consumption of alcoholic beverages.

(8) Golf carts are subject to the same parking regulations as traditional motor vehicles and may only be parked in the same manner and in the same places designated for the parking of traditional motor vehicles.

(9) Golf carts may only park in handicapped parking spaces if the driver has a valid handicapped placard or sticker and the same is clearly posted or displayed in the golf cart.

(10) Golf carts may not be operated on any sidewalk or bicycle path, except for golf carts operated by governmental for official purposes.

(11) Golf carts may not be used for the purpose of towing another cart, trailer, or vehicle of any kind, including a person on roller skates, skateboard, or bicycle.

(12) The possession of open containers of alcohol and/or consumption of alcohol by the driver and/or passengers of a golf cart is prohibited and subjects the operator and offending passenger(s) to enforcement of local and/or state law pertaining to such activity.

(Ord. of 3-6-17, No. 04-17, Sec. 2)

Sec. 7-1-181~~172~~ Penalties and remedies.

(a) Any person violating the motor vehicle laws of the state, which shall also apply to golf carts registered under this article, shall be subject to the penalties prescribed in state law for said violation.

(b) Any person who knowingly allows an underage driver to operate a golf cart shall be charged and subject to the penalties prescribed in state law for contributing to the delinquency of a minor.

(c) Pursuant to the provisions of G.S. 160-175 and G.S. 14-4, any person violating the provisions of this article or failing to comply with any of its requirements shall be guilty of an infraction and required to pay a penalty of not more than fifty dollars (\$50.00) plus the costs of court. Operating a golf cart under the influence of an impairing substance on a public street is a violation of state law and is punishable as provided therein.

(d) The City of Claremont may refuse to register and issue a permit for the operation of a golf cart, or may immediately revoke a previously issued permit, if the registered golf cart and/or the owner of the golf cart is involved in three (3) or more violations of this article and/or violations of state law within a three-year time period. Said revocation and/or denial of a permit shall be effective for one (1) year.

(e) The City of Claremont may refuse to register and issue a permit for the operation of a golf cart, or may immediately revoke a previously issued permit, if the registered golf cart and/or the owner of the golf cart is charged with operating a golf cart under the influence of an impairing substance, aiding and abetting the operation of the golf cart under the influence of an impairing substance, or operating a golf cart in a careless and reckless manner. Said revocation and/or denial of a permit shall be effective for one (1) year, unless the charge is dismissed or the owner and/or operator is acquitted, in which event the permit shall be immediately reinstated or the application for the permit shall be approved if the conditions of the ordinance have been met.

(f) All revocation periods shall be effective from the date of the notification of revocation letter, provide that the revoked registration plate is surrendered to the police department within fourteen (14) days of the date of notification. If the revoked registration is not surrendered within fourteen (14) days, then the revocations shall be effective, however, the one (1) year period shall not begin until the date the plate is surrendered to, or seized by, the police department.

(g) In addition to or in lieu of any other penalty herein provided, violation of any other provisions of this article shall subject the offender to a civil penalty in the amount of fifty dollars (\$50.00) per violation to be recovered by the City pursuant to the provisions of Section 1-1-6 of the Code of Ordinances.

(h) In addition to or in lieu of any other remedy herein provided, the City may utilize any remedy provided for in G.S. 160A-175, including the ordering of appropriate equitable relief, including injunctions, or a combination of remedies provided by G.S. 160A-175 to enforce the provisions of this Article.

(Ord. of 3-6-17, No. 04-17, Sec. 2

§§ 7-1-173 through 7-1-180 reserved.

Section Two. **Severability.**


If any provision of any ordinance adopted or amended by this Ordinance 14-25 should be held invalid, such invalid portion shall be considered severed and stricken there from such that such invalidity does not affect other provisions of such ordinances which can be given effect without the invalid provision or application and to this end the provisions of this Ordinance 14-25 are severable.

Section Three. **Effective Date.**

This Ordinance shall become effective upon adoption by the City Council at a subsequent council meeting following a public hearing before the Council in accordance with N.C.G.S. § 160A-175(b).

The first reading and public hearing were conducted on October 7, 2024.

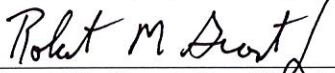
Adopted this, the 4th day of November, 2024.


Shawn R. Brown, Mayor

ATTEST:


Wendy L. Helms, City Clerk

APPROVED AS TO FORM:


Robert M. Grant, Jr., City Attorney