

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO
PROVIDE FOR THE SAFETY OF HENDERSONVILLE RESIDENTS BY REMOVING
THE PLAY STREET DESIGNATION FROM THE CODE OF ORDINANCES**

WHEREAS, The Code of Ordinances for the City of Hendersonville contains provisions providing for “play streets”; and

WHEREAS, Contemporary safety practices advise against such designation; and

WHEREAS, The National Cooperative Highway Research Program (NCHRP), a national organization that conducts transportation research, advises that “non-uniform signs such as “CAUTION—CHILDREN AT PLAY,” “SLOW—CHILDREN,” or similar legends should not be permitted on any roadway at any time,” and any such sign should be removed promptly; and

WHEREAS, The North Carolina Department of Transportation has released a transportation engineering policy statement that similarly provides: “Children Playing warning signs are not approved for use on the State Highway System right of way. These signs tend to promote a false sense of security for the children and encourage them to actually play in the roadway, since traffic is warned of their presence”; and

WHEREAS, The City of Hendersonville wishes to conform to contemporary safety practices at the guidance of experts in the area of transportation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA that:

SECTION 2. Chapter 46 – Streets, Sidewalks, and Other Public Places, Article I – In General of the Code of Ordinances for the City of Hendersonville shall be amended as follows:

Sec. 46-2. - Playing in streets.

No person shall play baseball, football or other games of similar nature on any public street in the city, ~~except when such street has been declared a play street.~~

SECTION 2. The following sections of Chapter 50 – Traffic, Article IV – Traffic Control Devices of the Code of Ordinances for the City of Hendersonville shall be amended as follows:

Sec. 50-196. - ~~Driving on play streets~~[Reserved].

~~Whenever authorized signs are placed designating any street, or part thereof, as a play street pursuant to section 50-181, no person shall drive a vehicle upon any such designated street, except persons who have business or who reside within the designated area and all such persons shall exercise the greatest care when driving upon any play street.~~

Sec. 50-181. - Designation of traffic zones, through streets and other zones or areas; erection and installation of devices.

- (a) The director of public works shall have the power to designate, lay off and indicate, with the approval of the city council, by appropriate signs and markings: Parking spaces and zones, no parking zones, limited parking zones, reserved parking zones, parking meter zones, zones in which vehicles shall be parked at an angle to the curb,

loading zones, safety zones, school zones, hospital zones, quiet zones, traffic zones other than the above, crosswalks, truck routes, through streets, stop streets and intersections, yield right-of-way intersections, one-way streets, streets to be laned for traffic, ~~play streets~~, bus stops and taxicab stands. He shall also have the power to designate and indicate, with the approval of the city council, intersections at which traffic shall be controlled by traffic signals, intersections at which left turns and/or right turns and U-turns shall be prohibited, and intersections at which markers, buttons or other indications shall be placed to indicate the course to be traveled by vehicles traversing or turning at such intersections.

- (b) Whenever any designation is made in accord with this section, the director of public works shall erect and install such signs, markings, lines, signals and other traffic control devices as may be necessary to clearly indicate such designation and to put drivers of vehicles on notice of the restriction, limitation or prohibition resulting from such designation.
- (c) All designations made in accordance with this section shall be clearly shown and indicated on the official traffic control and regulation of parking signs, markings and other devices; schedule is on file in the office of the director of public works.

SECTION . If any provision of this ordinance or its application is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are severable.

SECTION . This Ordinance shall be effective upon its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina on this ____ day of _____, 2023.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney