

AN ORDINANCE TO AMEND CHAPTER 50, TRAFFIC, ARTICLE IV TRAFFIC CONTROL DEVICES, AND ARTICLE V STOPPING, STANDING AND PARKING, OF THE CITY OF HENDERSONVILLE CODE OF ORDINANCES AND TO ADOPT THE OFFICIAL CITY PARKING MAP DESIGNATING PARKING ZONES

WHEREAS, the City of Hendersonville is implementing new parking measures within the City; and

WHEREAS, the City Council finds that the public convenience and necessity mandates that these new parking measures be implemented; and

WHEREAS, it is necessary to amend CHAPTER 50, TRAFFIC, ARTICLE IV TRAFFIC CONTROL DEVICES, AND ARTICLE V STOPPING, STANDING AND PARKING, OF THE CITY OF HENDERSONVILLE CODE OF ORDINANCES to implement the new parking measures;

IT IS THEREFORE ORDAINED by the City Council for the City of Hendersonville, North Carolina, as follows:

1. CHAPTER 50, TRAFFIC, ARTICLE IV TRAFFIC CONTROL DEVICES, OF THE CITY OF HENDERSONVILLE CODE OF ORDINANCES is amended as follows:

ARTICLE IV. TRAFFIC CONTROL DEVICES

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

(a) ~~(a)~~ — The ~~director of public works shall have the power to~~ City Council may by ordinance or resolution designate any of the following within the City limits:

(1) ~~lay off and indicate, with the approval of the city council, by appropriate signs and markings:~~ no parking zones, limited parking zones, reserved parking zones, free parking zones, parking meter zones, and zones in which vehicles shall be parked at an angle to the curb, parallel to the curb, or parked in a perpendicular fashion (reference sec. 50-316 for certain classes of parking zones);

(2) ~~loading zones, safety zones, school zones, hospital zones, quiet zones, traffic zones other than the above;~~ ;

(3) 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;

(4) ~~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 or signs, 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; and

~~(1)~~(5) Any other traffic control measure or zones in the interest of the public health safety and welfare as allowed by applicable law..

(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 50-181, except those made pursuant to subsection (d) below, shall be clearly shown and indicated on the official ~~traffic control and regulation of parking signs, markings and other devices~~ City Parking Map or Traffic Control as appropriate, maintained on the City's website (reference sec. 50-199); ~~schedule is on file in the office of the director of public works.~~

(d) Temporary traffic control measures. The City Manager, Chief of Police, the Public Works Director, or their designee(s), shall have the authority to temporarily designate, without approval of City Council, by appropriate signs and markings: Parking spaces and zones, no parking zones, limited parking zones, reserved parking zones, loading zones, safety zones, one-way streets, stop streets and intersections, right turn only intersections, left turn only intersections, and other similar temporary traffic control measures where, in their discretion, necessary for special events, emergencies, road construction and repair, utility installation and repair, funeral processions, parades, road hazards, riots, fires, demonstrations, or other similar circumstances where necessary for the public health, safety, welfare or convenience. It shall be unlawful for any person to fail to obey any temporary traffic control measures placed under the authority of this section 50-181(d).

(e) City owned Buildings and Facilities. At any city owned building or facility (excluding any parking zones established by this Article or by City Council) the City Manager, Chief of Police, the Public Works Director, or their designee(s), shall have the authority to designate, without approval of City Council, by appropriate signs and markings: Parking spaces, no parking areas, reserved parking spaces, limited parking spaces, loading zones, safety zones, fire lanes, or other parking management measures as necessary or convenient for the management of the city facility. It shall be unlawful for any person to fail to obey any such measures placed under the authority of this section 50-181(e).

(Code 1971, § 31-99)

* * *

Sec. 50-199. ~~Traffic signal~~ Official City parking map; Official City Traffic Map.

The director of public works is hereby authorized, empowered and directed to create ~~a proper maps~~ of the city upon which is indicated the location, nature and type of all traffic signals and devices and parking zones located in the city and approved by this section and by resolution as provided in section 50-200. Such maps shall be referred to as the Official City Parking Map and the Official City Traffic Map. Both maps shall be maintained on the City's website.

(Code 1971, § 31-117)

2. CHAPTER 50, TRAFFIC, ARTICLE V STOPPING, STANDING AND PARKING, OF THE CITY OF HENDERSONVILLE CODE OF ORDINANCES is amended as follows:

ARTICLE V. STOPPING, STANDING AND PARKING

DIVISION 1. GENERALLY

* * *

Sec. 50-234. ~~Unattended motor vehicles.~~ Enforcement and Definitions.

(a) The provisions of this Article V shall be enforced by the Hendersonville Police Department including both sworn officers and unsworn personnel designated by the Chief of Police.

(b) Responsibility of operator. It shall be unlawful for any person operating a motor vehicle to stop or park such vehicle in violation of any provision of this Chapter.

(c) Responsibility of owner. It shall be unlawful for any owner to cause, allow, permit or suffer any vehicle owned by such person to be stopped or parked in violation of this Chapter.

(d) Definitions. As used in this Article, the following words shall have the meanings stated.

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 term shall include mopeds or electric assisted bicycles.

Driver. — The operator of a vehicle. The terms “driver” and “operator” and their cognates are synonymous.

Operator. — A person in actual physical control of a vehicle which is in motion or which has the engine running. For a parked vehicle, the term “operator” shall also include the person driving or operating the vehicle when it was parked. The terms “operator” and “driver” and their cognates are synonymous.

Owner. — A person holding the legal title to a vehicle, or in the event a vehicle is the subject of a chattel mortgage or an agreement for the conditional sale or lease thereof or other like agreement, with the immediate right of possession vested in the mortgagor, conditional vendee or lessee, said mortgagor, conditional vendee or lessee shall be deemed the owner for the purpose of this Article.

Vehicle. — Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices moved by human power, but excluding devices used exclusively upon fixed rails or tracks; provided, that for the purposes of this Article bicycles and electric assisted bicycles shall be deemed vehicles and every rider of a bicycle or an electric assisted 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 an electric personal assistive mobility device. A manufactured home shall not be deemed a vehicle for purposes of this Article.

Street — The entire width between property or right-of-way 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. The terms “highway” and “street” and their cognates are synonymous.

Park — The permitting of a vehicle to remain standing or stopped while not in use. The term shall not include a mere temporary or momentary stoppage when there is no intent to break the continuity of travel.

Parking session — the parking time period entered by an owner or operator of a vehicle at a parking kiosk, using the parking app provided by the City, or at a parking meter. A parking period includes all extensions of the parking time within the same parking session. For the parking deck paid parking zone, the time period between the entry and subsequent exit of the parking deck shall be considered a parking session; except that a new, additional parking session begins at 4am each day. For example, if a vehicle enters the deck at 7pm and exits at 7am the next morning, there are 2 parking sessions: 7pm – 4am (9 hours) and 4am-7am (3 hours). For purposes of this Chapter, a vehicle is deemed to have actually parked for the entire parking session.

~~No person having control or charge of a motor vehicle shall allow such vehicle to stand on any street or highway in the city, unattended, without first effectively setting the brakes thereon and stopping the motor of such vehicle, and, when standing upon any grade, without turning the front wheels of such vehicle to the curb or side of the street or highway.~~

~~{Code 1971, § 31-168[Deleted — pre-empted by North Carolina law]}~~

Sec. 50-235. Prohibited in specified places.

No person shall 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

prohibited places. In addition to issuing a parking citation to the violator, any person enforcing this Article shall be authorized to cause any vehicle parked in any of the following prohibited places to be towed:

- (1) On a sidewalk.
- (2) Within an intersection, or within 20 feet thereof.
- (3) On a crosswalk.
- (4) Within 30 feet of any flashing beacon, stop sign, or traffic control signal located at the side of a street or roadway.
- (5) No vehicle shall park on either side of any street approaching a railroad underpass or overhead bridge within 50 feet in any direction of the outer edge of such underpass or overhead bridge.
- (6) No vehicle shall park on either side of any street approaching a grade crossing within 50 feet of the closest rail; provided, however, that where existing permanent structures are located along the street and closer than 50 feet, parking may be permitted in front of such structures, unless otherwise prohibited, if the parking does not interfere with the view in either direction of an approaching locomotive or train.
- (7) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
- (8) Upon any bridge or other elevated structure or within any underpass structure.
- (9) Within 15 feet in either direction of the entrance to a hotel, theater, hospital, sanitarium or any other public building, where the street is so marked.
- (10) On the roadway side of any vehicle stopped, standing or parked at the edge or curb of a street.
- (11) Within ten feet of any ~~water~~-fire hydrant, or in a fire lane, including public vehicular areas as defined by.
- (12) Within 20 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 signposted.
- (13) At any place where signs prohibit parking.
- (14) In any space designated as a passenger or freight loading zone except as allowed by sec. 50-259.
- (15) In front of, or in any manner, so as to block a driveway, in whole or in part.
- (16) Parking a vehicle of a different type than specified for a parking space, where a space is reserved for a certain type of vehicle. As an example, parking a non-electric vehicle in an electric-vehicles only space is prohibited. As another example, parking a non-law enforcement vehicle in a space reserved for law-enforcement is prohibited.
- (17) Parking a vehicle in a parking space, lot or zone reserved for vehicles having a particular permit with out having the required permit.

(Code 1971, § 31-169)

Sec. 50-236. Handicapped parking.

- (a) *License plate, placard, identification card on veteran plate required.* It shall be unlawful to park or leave standing any vehicle in a space designated for handicapped persons when such vehicle does not display the distinguishing license plate, placard, or identification card or a disabled veteran registration plate as provided by state law.
- (b) *Unlawful use of distinguishing plates, placards or cards.* It shall be unlawful for any person not qualifying for the rights and privileges extended to handicapped or visually impaired persons to exercise

or attempt to exercise such rights or privileges by the unauthorized use of a distinguishing license plate, placard or identification card.

~~(c)~~ Obstruction of handicapped parking. It shall be unlawful for any person, including any person qualified for the rights and privileges extended to handicapped or visually impaired persons, to obstruct:

- (1) The parking in or egress from, by motor vehicle; or
- (2) The access to or egress from, on foot or by assisting device

any parking space designated for handicapped persons. Parking in any place in which parking is otherwise prohibited by any ordinance or statute, which place adjoins any such designated handicapped parking space, is declared to be a violation of this section.

(d) Penalty for violation of section. A violation of this section shall subject the offender to a civil penalty ~~as provided for in G.S. § 20-37.6 (f) (1). This penalty shall be collected in the same manner as other violations of the parking provisions of the city are collected.~~ adopted by the city council as part of its fee schedul

€(e) Enforcement; notice. The chief of police may designate persons to enforce the provisions of this section. Such persons shall attach to any vehicle violating the provisions of this section a notice to the owner or operator of such vehicle that such vehicle has been parked in violation of the provisions of the ordinances of the city, and that such violation subjects the offender to a civil penalty in the amount stated in the notice.

(Code 1971, § 31-169.1; Ord. of 9-7-95, § 1; Ord. No. 00-1171, § 1, 11-9-00; Ord. No. 05-0838, § 1, 8-4-05)

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Sec. 50-245. Illegal Parking of Vehicles ~~backed to curb.~~

- (a) In no case shall the driver or person in charge of any vehicle permit the same to remain backed up to curb, except when actually loading or unloading. See Sec. 20-259.
- (b) Parking in a backward position in any parking space regulated by the City is prohibited. See Figure 1 below.
- (c) Pull through parking is prohibited in any parking lot regulated by the City. See Figure 2 below.
- (d) Parking in all parallel parking spaces regulated by the City shall be with the flow of traffic. See Figure 3 below.

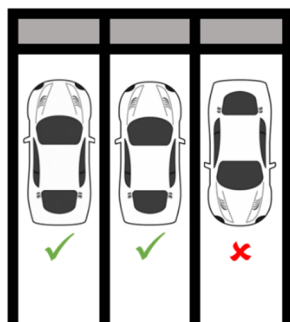


Figure 1. Backing into a space is prohibited.

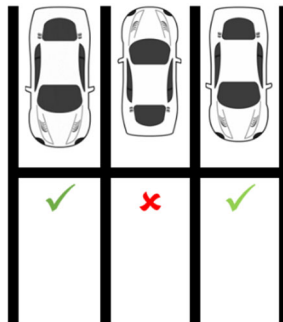


Figure 2. Pull-through parking is prohibited.

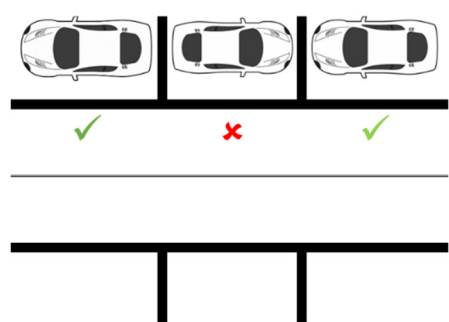


Figure 3. Parallel parking must go with the flow of traffic.

(Code 1971, § 31-178)

Sec. 50-246. Parking in prohibited zones generally.

When signs are placed, erected or installed, giving notice thereof, or the curbing has been painted yellow or red in lieu of such signs, no person shall park a vehicle at any time in any zone designated as a no

parking zone, as provided in section 50-181, or where parking is otherwise prohibited by this Article or Article IV. If parking is prohibited in a parking zone only between certain hours, this section shall apply only between such hours, as indicated on the signs erected in such zone. .

(Code 1971, § 31-179)

Sec. 50-247. Parking in limited parking zone.

- (a) Whenever a parking zone is designated in accord with section 50-181, limiting the time or conditions under which such vehicle may be parked, no person shall park any vehicle in such zone, except in accord with the signs and markings erected therein. Such zones shall be clearly and distinctly marked and indicated upon the Official City Parking Map maintained on the City's website.
- (b) Notwithstanding sec 50-247(a) above, any vehicle that is driven by or is transporting a person who is handicapped and that displays a valid distinguishing license plate, a removable wind windshield placard, or a temporary removable windshield placard shall be allowed to park in the parking spaces in a limited time parking zone for unlimited periods of time. This provision shall not be interpreted to authorize any of the following:

(1) To allow such vehicles to park where parking is prohibited;

(2) To allow such vehicles to park in parking spaces reserved for a certain type of vehicle if the vehicle is not the qualifying type;

(3) To allow such vehicles to park in parking spaces where a certain type of parking permit is required unless the vehicle has the appropriate permit; or

(4) To allow such vehicles to park for free where payment is required by this Article.

(Code 1971, § 31-180; Ord. No. 04-0746, § 3, 7-8-04)

* * *

Sec. 50-254. Vehicles in excess of 80 inches.

(a) It shall be unlawful for any person to park any vehicle, which shall have a width in excess of 80 inches, upon any of the streets of the city, for a continuous period of time longer than ~~30~~15 minutes. See sec. 50-259.

(b) This section shall not apply to motor vehicles momentarily stopped for the purpose of taking on or discharging passengers, or loading or unloading freight, at a point of origin or destination as allowed by sec 50-259, nor shall it apply to motor vehicles accidentally and unavoidably disabled; provided, however, that such parking or stoppage is necessary for emergency repairs, to permit such vehicle to be put in operating condition.

(Code 1971, § 31-186)

* * *

Sec. 50-257. ~~Use of parking lots.~~ Reserved.

~~(a) — Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:~~

~~Parking lot means any area within the city on which more than ten automobiles may be parked and shall include public parking lots and those parking lots which are for the principal purpose of providing parking during business hours for shopping centers, stores, restaurants, drive-ins, theaters and other business or commercial establishments.~~

~~(b) — Congregation of persons. It shall be unlawful for more than ten people to congregate on any one parking lot in the city between the hours of 12:00 midnight and 6:00 a.m., if the closest part of the parking~~

lot is within 300 feet of a private residence, excepting any person parking a vehicle on a lot or being on such lot for the purpose of patronizing a business establishment which is actually open for business between the hours of 12:00 midnight and 6:00 a.m.

(c) ~~Enumeration of offenses.~~ It shall be unlawful for any person on a parking lot in the city between the hours of 12:00 midnight and 6:00 a.m., to do one or more of the following:

(1) ~~Talk in a loud or boisterous manner;~~

(2) ~~Drink beer or any kind of alcoholic beverage;~~

(3) ~~Throw any type of bottle, can, container, trash or paper on the parking lot;~~

(4) ~~Use profanity or cursing in such a manner that those standing in the immediate vicinity of the person may hear the profanity or cursing; or~~

(5) ~~Make such noise or disturbance that persons living in homes or other dwelling accommodations within 300 feet of such parking lot are disturbed in their place of living and deprived of their peace and quiet.~~

(d) ~~Unlawful stopping, standing or parking; penalty.~~ It shall be unlawful for any person to permit or allow any motor vehicle of any nature or kind whatsoever to stop, stand or park in any specified area of any parking areas or driveways of any hospital, shopping center, apartment house, condominium complex or commercial office complex, or any other privately owned public vehicular area, in violation of specified hours of permitted stopping, standing or parking of motor vehicles indicated by appropriate signs, posters or other displays on such premises, and provided a written request for the application of this subsection to the privately owned public vehicular area has been filed with the chief of police. The owner of any vehicle parked, stopped or standing in violation of this subsection shall be deemed to have appointed any appropriate law enforcement officer as his agent for the purpose of arranging for the transportation and safe storage of such vehicle. A violation of this subsection shall subject the violator to a civil penalty in accordance with the fees established from time to time by the city council in the city's schedule of fees.

~~(Code 1971, § 31-189; Ord. No. 15-0951, § 2, 9-3-15)~~

Sec. 50-258. Parking at city recreational facilities; exceptions.

(a) It shall be unlawful for any person to permit any motor vehicle of any nature or kind whatsoever owned or operated by such person to stop, stand or park in the parking area of any city-owned or -operated recreational facility, including specifically parks and dog parks, when the recreational facility is closed or.

~~(b) This section shall be enforced with regard to any recreational facility only~~ where the city manager has caused to be conspicuously placed one or more signs designating that parking at such facility is limited to active users as specified in paragraph (a) hereof. Notwithstanding the foregoing, the City Council may permit after hours parking at a city recreational facility as part of a shared parking arrangement with adjacent private parking facilities.

(Ord. No. 15-0949, § 2, 9-6-15)

Sec. 20-259. Loading Zones.

(a) Passenger curb loading zones. No person shall stop, stand or park a vehicle for any purpose or period of time, other than for the expeditious loading or unloading of passengers, in any place marked as a passenger curb loading zone during hours when the rules applicable to such zone are in effect, and then only for a period not to exceed five minutes unless otherwise marked.

(b) Freight loading zones. No person shall stop, stand or park a vehicle for any purpose or length of time, other than for the expeditious unloading and delivery or pickup and loading of materials, in any place marked as a freight loading zone during hours when the rules applicable to such zone are in effect, and then only for a period not to exceed fifteen minutes.

(c) Any person parking a vehicle in a passenger curb loading zone or a freight loading zone as allowed by this Section 20-259 shall be required to place their blinkers on in a flashing position while so parked.

Secs. 50-~~259~~260—50-280. Reserved.

DIVISION 2. PARKING METERS AND PAY-FOR-PARKING KIOSKS

Sec. 50-281. Installation.

In the ~~parking meter~~paid and metered parking zones established pursuant to the provisions of sections 50-181, the ~~chief of police~~City Manager or his designee shall cause parking meters or pay-for-parking kiosks (“kiosks”) to be installed and shall, ~~unless otherwise directed by the city council, fix the time limitations for legal parking in such zones, the hours during the day and night when the parking meters shall be used and when the time limitations shall be effective, in compliance with the provisions of this division, and shall indicate the~~ any applicable time limitations and paid parking rates by designating the same on the parking meters or kiosks, or by appropriate signs posted in close proximity to such meters or kiosks in such zone. Nothing herein shall limit the City’s use of a pay-for-parking kiosk to also serve as a parking meter.

(Code 1971, § 31-195)

Sec. 50-282. Hours and days of operation for parking meters and kiosks.

(a) All parking meters and kiosks installed in an interior or exterior lot paid parking zone or a metered parking zone in accordance with the provisions of this division shall be in operation between the hours of 9:00 a.m. and 7:00 p.m. every day, except Sundays, and the holidays as defined in the city’s personnel policy, said hours of operation being referred to in this Chapter as “regulated parking hours.” It shall be unlawful to park in an interior or exterior lot paid parking zone or metered parking zone during regulated parking hours without paying the applicable rate for parking or for meter fees, as applicable.

(b) Parking kiosks installed in the parking deck paid parking zone shall be operated twenty-four hours per day seven days per week. It shall be unlawful to park in the parking deck paid parking zone at any time without paying the applicable rate for parking.

(Code 1971, § 31-196; Ord. No. 15-0846, § 1, 8-6-15)

Sec. 50-283. Location and legend.

Parking meters and kiosks installed in the ~~parking meter~~paid and metered parking zones shall be placed ~~upon the curb immediately adjacent to the individual parking places provided for in this division. Each parking meter shall be placed or set in such manner as to show or display by a signal that the parking space adjacent to such meter is or is not legally in use.~~ in such locations so as to provide reasonable accessibility to persons parking in the paid and metered parking zones. The city shall indicate on or by a sign visible from eEach parking meter or kiosk installed shall indicate by a proper legend the legal parking time established by the city. ~~and, when operated, shall indicate on or by its dial and pointer the duration of the period of legal parking and, on expiration of such period, shall indicate illegal or overtime parking.~~

(Code 1971, § 31-197)

Sec. 50-284. Marking parking spaces; method of parking.

(a) —The chief of police or his designee shall, with the assistance of the director of public works shall, have lines or markings painted or placed upon the curb and or upon the street to delineate the parking spaces in all parking zones, adjacent to each parking meter for the purpose of designating the parking space for which the meter is to be used, and each vehicle parking adjacent or next to any parking meter shall park within the lines or markings so established. It shall be unlawful and a violation of this division to park any vehicle across any such line or marking or to park such vehicle in such position that the vehicle shall not be entirely within the area so designated by such lines or markings.

~~(b) —When a parking space in any parking meter zone is parallel with the adjacent curb or sidewalk, any vehicle parked in such parking space shall be parked with the foremost part of such vehicle nearest to such meter.~~

(Code 1971, § 31-198)

Sec. 50-285. Use of meters, kiosks and spaces in paid and metered parking zones.

(a) When a vehicle shall be parked in any space ~~adjacent to which a parking meter is located~~ in a paid or metered parking zone during regulated parking hours, the operator of such vehicle shall immediately upon entering the parking space check in as required by sec. 50-317(g)(1). The operator shall also immediately deposit or cause to be deposited the appropriate designated coin or pay at a meter, kiosk or through the mobile parking app designated by the City for the acceptance of meter fees and payments ~~or token in such parking meter and thereby put such meter in operation~~ to activate the meter or pay for the parking at the established rate if the vehicle will remain parked beyond the applicable grace period granted by sec. 50-317. Upon the deposit of such coin or token and placement of the meter in operation, the parking space may be lawfully occupied by such vehicle during the period of parking time which has been prescribed for the part of the street in which such parking space is located.

(b) ~~After the initial deposit of coin or token in such parking meter, and after the commencement of the period of parking time so obtained for such vehicle, it~~ shall be unlawful for any person to deposit or cause to be deposited ~~in such meter~~ additional coins or make additional payments ~~or tokens~~ for the purpose of extending the ~~period of parking time~~ parking session for the same vehicle beyond the time limits ~~originally obtained~~ established for the metered or paid parking zone if such time limits have been established pursuant to sec. 50-281.

(c) It shall be lawful for city employees and officials, while in the immediate discharge of the responsibilities of their employment by the city, to park and place motor vehicles belonging to the city, appropriately marked or otherwise identified, in any space ~~adjacent to which a parking meter is located within the city~~ in a paid or metered parking zone, either in a facility of on-street or off-street parking, without complying with the requirements of this division, and no citation or summons shall be issued by any police officer for any such noncompliance.

(d) It shall be lawful for the city manager, in his discretion, and from time to time, to hood, or otherwise obscure so as to render the same inoperative, meters or kiosks ~~in parking spaces~~ for the purpose of providing unlimited parking privileges to the ~~various members of official boards, authorities, commissions, councils and other groups and individuals performing services in behalf of the city and while in the immediate discharge of such duties and services~~ general public during City sponsored events or on holidays during which City offices are closed; provided, however, that such obscuring device shall be plainly marked in a manner sufficient to indicate its official origin and purpose.

(Code 1971, § 31-199)

Sec. 50-286. Overtime parking—Generally.

(a) If any vehicle shall remain parked in any parking space beyond the parking time limit fixed for such parking space by indication by any clearly posted sign or other notice or by notification by any meter, kiosk or other mechanical or electronic device, such vehicle shall be considered as parked overtime and beyond the period of legal parking time. The parking of a vehicle overtime or beyond the period of legal parking time in any part of a street, lot, or other place where any such sign, meter, or device is lawfully located shall be a violation of this division.

(b) During regulated parking hours, it shall be unlawful for any person to permit any vehicle to remain or be placed in any parking space in an interior or exterior paid or metered parking zone ~~adjacent to any parking meter while such meter is displaying a signal indicating that the vehicle occupying such~~

~~parking space has already been parked beyond the period of time~~ past the time paid for or past the time allowed for the meter fees paid. ~~prescribed for such parking space.~~

(Code 1971, § 31-200; Ord. No. 16-0830, § 1, 8-4-16)

Sec. 50-287. ~~Same~~Reserved—~~Responsibility of owner and operator.~~

~~It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in the name of, or operated by, such person to be parked overtime or beyond the period of legal parking time established for any parking meter zone as described in this division.~~

(Code 1971, § 31-201)

Sec. 50-288. ~~Report~~Citation for violations; notice to operator; payment of penalties.

(a) It shall be the duty of police officers of the city and the unsworn personnel of the city police department designated by the chief of police, acting in accordance with instructions issued by the chief of police, to issue a citation for violations of this Article. (Reference also Division 4) Such citation shall state: ~~report:~~

(1) The nature of the violation;

(2) The civil penalty assessed for the violation;

(3) The ~~number of each parking meter which indicates that the~~ location of a vehicle occupying the a parking space ~~adjacent to such parking meter is or has been~~ parking in violation of any of the provisions of this ~~division~~Article;

~~(2)~~ (4) The state license plate number of such vehicle, or if the vehicle has no license plate, the VIN number of the vehicle;

~~(5)~~ (3) The date and time during which such vehicle is parking in violation of any of the provisions of this divisionArticle; and

~~(6)~~ (4) Any other facts, a knowledge of which is reasonably necessary to support the determination that there has been a thorough understanding of the circumstances attending such violation.

(b) Each such police officer shall ~~also~~ attach the citation to such vehicle ~~a~~ and/or serve the citation by one of the methods provided by subsection (c)(2)-(4) below as notice to the owner or operator of the vehicle that such vehicle has been parked in violation of a provision of this ~~division~~Article. ~~and instructing such owner or operator to report at the office of the chief of police of the city in regard to such violation.~~

(c) Each such owner or operator shall, within ~~15-30~~ days of the time when such ~~notice citation was issued and was served on the owner or operator of the vehicle, whichever occurs last, attached to such vehicle,~~ pay to the police chief, or other officer in charge at the chief's office, as a penalty for and in full satisfaction of such violation, the currently required ~~fine~~civil penalty. The failure of such owner or operator to make the payment heretofore designated and within the specified time, to the police department, shall render such operator or owner subject to the penalty provided in section 50-341. Service upon the owner or operator of the vehicle shall be deemed given when:

(1) The citation is attached to the vehicle;

(2) The citation is personally delivered to the owner or operator of the vehicle;

(3) The citation is deposited in the regular U.S. mail in a postage pre-paid envelope, addressed to the owner or operator at the address registered for the state license plate or shown upon the owner or operator's driver's license; or

(4) The citation is deposited with a commercial carrier in a pre-paid envelope, addressed to the owner or operator at the address registered for the state license plate or shown upon the owner or operator's driver's license.

(d) Notwithstanding the foregoing provisions, any law enforcement officer or other person designated to enforce this Article may issue a warning citation to any owner or operator for a violation of this Article. Such warning citation shall provide notice of the violation to the recipient of the warning citation; however no civil penalty shall be assessed with a warning citation.

(Code 1971, § 31-202; Ord. No. 04-0746, § 4, 7-8-04)

Sec. 50-289. Tampering with, destroying or injuring meters or kiosks.

It shall be unlawful for any person to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter or kiosk installed under the provisions of this division.

(Code 1971, § 31-203)

Sec. 50-290. Use of slugs or other coin substitutes.

It shall be unlawful to deposit or cause to be deposited, in any parking meter or kiosk, any slug, device or metallic substance, or any other substitute for the coins required by this division.

(Code 1971, § 31-204)

Sec. 50-291. Use of coins and payments collected.

The specified coins required to be deposited and all other payments required for parking in a paid or metered parking zone~~in parking meters~~, as provided in this division, are hereby levied and assessed as fees to provide for the proper regulation and control of traffic upon the public streets, ~~and also~~ the cost of supervision and regulating the parking of vehicles in the paid and limited time and parking meter zones created hereby, ~~and~~ to cover the cost of purchasing, acquiring, installation, operation, maintenance, supervision, regulation and control of the parking meters or kiosks described in this division, and all such other uses as may be allowed by applicable law.

(Code 1971, § 31-205)

Secs. 50-292—50-315. Reserved.

DIVISION 3. MUNICIPAL PARKING ~~LOTS~~ FACILITIES; PARKING ZONES

Sec. 50-316. Application of division; parking zones.

(a) The provisions of this division shall apply to all ~~off-street~~ parking facilities and/or parking zones ~~operated regulated by the city where parking meters have been installed~~. Off street facilities include surface lots and the City's parking deck. On street facilities include on-street parking on City streets, whether such parking is parallel, angled, or perpendicular parking.

(b) There shall be the following classes of paid parking zones:

- (1) Interior surface lot paid parking zone;
- (2) Exterior surface lot paid parking zone; and
- (3) Parking deck paid parking zone.

(c) There shall be the following class of metered parking zones: on-street metered parking zones.

(d) There shall be the following classes of unmetered parking zones:

- (1) Unmetered on-street - limited time zone, 15 minutes.
- (2) Unmetered on-street - limited time zone, 30 minutes.

(3) Unmetered on-street – limited time zone, 3 hours.

(4) Unmetered on-street – unlimited time zones.

(Code 1971, § 31-211)

Sec. 50-317. ~~Hours of operation~~ Parking zones regulations.

~~All parking meters installed in any parking lot owned by the city in accordance with provisions of this division shall be in operation for such hours as shall be posted on the premises of the facility.~~ All parking facilities within a parking zone will be open for parking either by permit holders or the general public, or both, 24 hours per day, 7 days per week, in accordance with this section 50-317, except during such times when a parking facility is closed or reserved pursuant to subsection 50-181(d).

(a) -On-street metered parking zones. The City may elect to have a pay-for-parking kiosk serve as the parking meter for on-street metered parking zones. In such event, all parking meter fees established shall be paid using the parking kiosk or parking app made available by the City.

(1) During regulated parking hours, all owners or operators parking a vehicle in a parking space for a parking session in an on-street metered parking zone that is more than 30 minutes will be required to pay the parking meter fee at the rate established by the Hendersonville City Council as part of its fee schedule for the entire parking session. As an example, if a parking session is 25 consecutive minutes in the on-street metered parking zone, no parking meter fee will be owed. If, however, a parking session is 45 minutes, a parking meter fee will be owed for the entire 45 minute parking session.

(2) During regulated parking hours, there shall be a limit of one free 30-minute parking session per vehicle per 5 hours in an on-street metered parking zone. As an example, if a car is parked in an on-street metered parking zone at 10:00 a.m. for 15 minutes, there will be no meter fee owed for that park. If however the same car is parked in the same on street metered parking zone at 1:00 pm for 20 minutes, a meter fee is owed for the 20 minute parking session because it is occurring within 5 hours of the first parking session in the same on-street metered parking zone.

(3) During regulated parking hours, each parking session in the on-street metered parking zone shall be limited to no more than 5 consecutive hours. Additionally, only one 5-hour parking session shall be allowed per vehicle per day during regulated parking hours. As an example, a vehicle could park in the on-street metered parking zone from 9am – 2pm (5 consecutive hours), and then park again from 3pm-5pm; however the same vehicle could not park again from 3pm-8pm because only one 5-hour parking session is permitted per vehicle per day during regulated hours.

(4) The meter fee for parking within the on-street metered parking zone shall be applied on a parking zone basis. This means that during regulated parking hours, movement of a vehicle from one space to another within a paid parking session in said metered parking zone shall not require a separate check in or separate payment. As an example, if an operator pays the meter fee for a 4-hour parking session in the on street metered parking zone, they may move their car from one space to another within the on street metered parking zone during the 4-hour paid parking session without further payment of meter fees and without having to check in again.

(5) Parking sessions in the on-street metered parking zone must be at least 30 minutes apart. As an example, if a parking session in the on-street metered parking zone is from 10:00 am – 12:00 pm, a new parking session would not be allowed until 12:30 p.m., 30 minutes later than the first parking session.

(b) Interior or exterior surface lot paid parking zones.

(1) Permits may be issued for interior or exterior surface lot paid parking zones. The cost for such permit shall be as provided in the City's duly adopted fee schedule. Persons having a valid interior or exterior surface lot permit shall be permitted to park a permitted vehicle in any lot in the same paid parking zone at any time with no time limit per park and no requirement for checking in at a parking kiosk.

(2) Permit only parking. City Council may establish permit-only lots in the interior or exterior lot paid parking zones.

- i. Interior surface lot paid parking zone. If a permit only parking zone is established in an interior surface lot paid parking zone, parking shall be by the appropriate permit only, twenty-four (24) hours per day, seven (7) days per week. There shall be no time limit per park, and no requirement for checking in at a parking kiosk for vehicles with a valid parking permit.
- ii. Exterior surface lot paid parking zone. If a permit only parking zone is established in an exterior surface lot paid parking zone, parking shall be by permit only from 12:00 am Monday through 11:59 pm Saturday. Any person may park in a permit-only lot in an interior or exterior paid parking zone on Sunday from 12:00 am through 11:59 pm without charge, without a time limit per park and without a requirement to check-in at a parking kiosk.

(3) Mixed lots. For lots in an interior or exterior surface paid parking zone which are not restricted to permit only parking, hereinafter "mixed lots," during regulated parking hours all owners or operators not having a valid permit parking a vehicles, who park in a mixed lot that is in an interior or exterior surface lot paid parking zone for a parking session that is more than 1 hour will be required to pay for parking for the entire parking session at the City-adopted rate for the paid parking zone. As an example, if a car is parked for 45 consecutive minutes in a parking space in a mixed lot, no payment will be owed. If, however, a car is parked for 75 consecutive minutes in a parking space in a mixed lot, payment will be owed for the entire 75 minutes.

(4) In a mixed lot, unpermitted parking must be paid for on a per parking lot basis. During regulated parking hours, a separate check-in and payment shall be required at each mixed lot within the interior or exterior surface lot paid parking zone. However, movement of the vehicle to another parking space with the same mixed lot during the parking session shall not require a separate check in or separate payment. As an example, if the operator of a pickup truck pays for a 4-hour parking session in a mixed lot but decides to move the truck to another mixed lot after only 2 hours, the operator will be required to check in and pay separately for a new parking session at the second mixed lot. If the operator of the pickup truck instead parked the truck in another space in the same mixed lot that the truck originally parked in after only 2 hours, no further payment or check in would be required for the remainder of the 4-hour parking session.

(5) During regulated parking hours, there shall be a limit of one free 1-hour parking session per vehicle per 5 hours per mixed lot. As an example, if a car is parked in a mixed lot at 10:00 a.m. for 45 minutes, there will be no fee owed for that park. If, however, the same car is parked in the same mixed lot at 1:00 pm for 30 minutes, the 30 minute parking session must be paid for because it is occurring within 5 hours of the first parking session in the same mixed lot.

(c) Parking deck paid parking zone.

(1) Permits may be issued for the parking deck paid parking zone. The cost for such permit shall be as provided in the City's duly adopted fee schedule. Persons having a valid parking deck permit shall be permitted to park a permitted vehicle in the parking deck paid parking zone at any time with no time limit per park.

(2) During regulated parking hours, all owners or operators not having a valid permit parking in the parking deck paid parking zone for more than one hour per park will be required to pay for the entire parking session at the City-adopted rate in the parking deck paid parking zone. As an example, if a car is parked for 45 consecutive minutes within the parking deck paid parking zone, no payment will be owed. If, however, a car is parked for 75 consecutive minutes within the parking deck paid parking zone, payment will be owed for the entire 75 minutes.

(3) Unpermitted parking within the parking deck paid parking zone shall be applied on a parking zone basis. During regulated parking hours, upon entry into the parking deck paid parking zone, a vehicle may be moved from one space to another space within the parking deck prior to exiting the deck. Upon exiting the parking deck, payment will be required based on the total time the vehicle was parked in the parking

deck without regards to whether or not the vehicle was moved to different spaces within the deck prior to exiting the deck.

(4) The City Manager shall have the authority to designate parking spaces on the lowest level of the parking deck as reserved spaces, 24 hours per day, 7 days per week, in the parking deck paid parking zone. Parking in such spaces shall require a valid permit.

(d) Unmetered on-street limited time zones. Parking in a parking space within an unmetered on-street limited time zone shall be limited to the stated number of consecutive minutes or hours per park in a parking space. No meter fee shall be owed.

(e) Unmetered on-street unlimited time zones. Parking within an unmetered on-street unlimited time zone shall be unlimited. No meter fee shall be owed. Continuous parking within a spot for more than 24 consecutive hours may result in a vehicle being determined to be abandoned and towed Chapter 36, Article VI Abandoned, Nuisance and Junked Motor Vehicles.

(f) Generally applicable requirements.

(1) Check-in required. It shall be unlawful to park in an on street metered parking zone or in a mixed or hourly parking lot located within an interior or exterior surface lot paid parking zone during regulated parking hours without checking in for a parking session using the parked vehicle's license plate number. Check in shall require the correct entry of the parked vehicle's license plate number at a meter or parking kiosk or using the mobile app provided by the City, and shall require the entry of the duration of the parking session. The City may elect to have a pay-for-parking kiosk serve as the parking meter for on-street metered parking zones. In such event, check-in for metered parking shall be at the parking kiosks or parking app provided by the City.

(2) Parking permits. All parking permits issued pursuant to this sec 50-317 shall be issued in accordance with rules adopted by the Chief of Police in addition to the following:

i. All permits will be issued on a first come, first serve basis up to the maximum number of permits per parking facility as determined by the City Manager.

ii. Each parking permit must be registered to a person, by name and address, who will be responsible for compliance with the terms of this Article as applied to use of permits and parking by permit, in addition to the owner or operator of the vehicles, if different from the permit holder. The permit holder shall be responsible for keeping all information relative to a permit current, including but not limited the person's address and the vehicles assigned to the permit. Failure to keep all information current shall be a violation of this Article by the permit holder.

iii. Parking permits are not transferable to another person, and may not be leased or hired out to another for a fee.

iv. Each permit may be assigned to no more than 2 vehicles, and such assignment shall be by the vehicle's license plate numbers. It shall be unlawful to use a permit for any unassigned vehicle.

v. The City Council shall adopt parking permit fees as part of the City's fee schedule. All fees for parking permits must be timely paid. Failure to timely pay parking permit fees may result in a parking permit being revoked by the Chief of Police.

vi. Violation of this Article by a permit holder, or by owners or operators of a vehicle assigned to a permit, shall be grounds for revocation of a permit by the Chief of Police.

vii. All unpaid parking permit fees may be collected by any remedy for collection of a debt allowed at law.

(3) Pay -by- plate. All parking paid at a parking kiosk or by the mobile app provided by the city shall be paid by vehicle license plate number.

(4) Electric vehicle parking spaces. All parking spaces containing a charging station for electric vehicles in a paid parking zone shall be reserved for electric vehicles only, shall be paid for at the applicable parking

rate for the paid parking zone, and shall be limited to three consecutive hours of parking per park in such a parking space, regardless of the duration of the parking session paid for. Moving the vehicle to another unreserved parking space during the paid parking session in the same parking lot (for interior or exterior lot paid parking zones), within the same parking zone (for on-street metered parking zones) or within the parking deck (for the parking deck paid parking zone), shall be allowed.

- (5) Parking fees and meter fees. Parking fees and meter fees will be charged and must be paid in one-hour increments for consecutive hours.
- (6) No refunds. No refunds shall be paid by the City where an owner or operator moves a vehicle out of a paid or metered parking zone prior to the expiration of the parking time that would have been allowed based on the parking or meter fees paid.
- (7) Consecutive units of time. Unless specifically stated otherwise in this Article, where a time limit is imposed in a parking zone, the time limit shall be deemed to refer to consecutive units of time. As an example, if time is limited to five (5) hours, it shall be deemed to refer to five consecutive hours. A time limit of thirty minutes shall be deemed to refer to thirty (30) consecutive minutes.
- (8) It shall be unlawful for any person to park a vehicle not having a state license plate visible from outside the vehicle within a parking zone established by this Article; however, nothing herein shall preclude a bicycle from parking in a designated bicycle parking area within a parking zone.
- (9) Paid parking time or paid meter time shall be deemed actual parking time for purposes of this Article.

(Code 1971, § 31-212)

Sec. 50-318. Continuous parking in violation of division.

Any person who shall permit any vehicle to be parked in violation of this division for more than one day shall be subject to an additional penalty for each such day, with each such day being considered a separate violation hereunder. When any vehicle has been continuously parked in violation of this division of a period of 24 hours or more, such vehicle may be towed by order of the Hendersonville Police Chief, or his/her designee.

(Code 1971, § 31-214)

Sec. 50-319. Habitual parking violators.

(a) *Unlawful.* It shall be unlawful for any person to be a habitual parking violator.

(b) *Term defined.* The term "habitual parking violator" shall mean either of the following:

(1) Any operator or owner of any vehicle properly cited for a parking offense not including the violation of this section within the city limits ~~three or more~~ six or more times within any ~~30~~ 180-day period; or-

(2) Any person having more than three unpaid parking citations.

~~(c)(c)~~ *Penalty for violation of section.* ~~Penalty for violation of this section shall be \$100.00 per violation within a 30-day period~~ Civil penalties assessed pursuant to Sec 50-341 for violations of this Article shall be increased by \$100 for any violation of this Article by a habitual parking violator. The \$100 increase in civil penalty may be assessed by separate citation.

(d) In addition to the increased civil penalty for habitual parking violators, any vehicle parked in violation of this Article by a habitual parking violator may be towed by any law enforcement officer or other person enforcing this Article.

~~(d) Separate offenses. Each new proper citation constituting a fourth or greater violation within any 30-day period shall constitute a separate offense hereunder.~~

~~(e) Notice of violation; failure to pay. The city may notify any violator thereof, by U.S. certified mail, of the violation, penalty and time for payment hereof, not less than ten days after the date the notice is~~

~~sent. Upon such notification, failure to make payment of the penalty within the specified time shall render the violator civilly liable to the city for all costs associated with the violation and the prosecution thereof.~~

~~(f) — Effective date. This section as amended shall become effective February 4, 2010.~~

(Code 1971, § 31-215; Ord. No. 04-0746, § 5, 7-8-04; Ord. No. 10-0204, § 1, 2-4-10)

Secs. 50-320—50-340. Reserved.

DIVISION 4. CIVIL PENALTIES FOR PARKING VIOLATIONS

Sec. 50-341. Schedule of civil penalties for stopping, standing, parking and parking meter violations.

(a) Civil penalties for violations of divisions 1, 2 and 3 of this article shall be as established from time to time by the city council in the city's schedule of fees, or as stated in this Chapter 50.

(b) This violation and any delinquent penalty are not subject to the penalty provisions of G.S. 14-4, but instead constitute civil penalties to be recovered by the city in a civil action in the nature of debt when the violator does not pay the penalty within the prescribed period of time set forth, pursuant to G.S. 160A-175(c).

(Code 1971, § 31-221; Ord. No. 04-0746, § 6, 7-8-04; Ord. No. 11-0101, § 1, 1-6-11; Ord. No. 15-0951, § 3, 9-3-15)

Sec. 50-342. CITATIONS FOR PARKING VIOLATIONS; REVIEW OF PARKING CITATIONS

(a) Owners or operators of vehicles parked in violation of this Article shall be issued a parking citation in accordance with sec. 50-288. As used herein, for parking violations the word "citation" shall not refer to a citation governed by N.C.G.S. § 15A-302.

(b) Any person receiving a parking citation may request an informal review of the parking citation by the Hendersonville Police Department by submitting a Request to Review form online at <https://www.hendersonvillenc.gov/parking/parking-enforcement> or by mailing or delivering (in person or by commercial carrier) a Request to Review form to the following address:

Hendersonville Police Department
c/o Parking Enforcement
630 Ashe Street
Hendersonville, NC 28792

The request for informal review must include a statement as to why the requestor believes that they were in compliance with this article when the citation was issued, or otherwise why they believe the parking citation was issued in error. Requestors may include with the request to review form any information, photographs, or other documents supporting their assertion that the parking citation was issued in error.

(c) Requests for review must be submitted within five (5) days of the date of issuance and service of the parking citation upon the owner or operator (whichever occurs last). An request for review is deemed submitted:

(1) upon receipt by the City if the appeal is submitted in person, in an online portal on the City's website, or by email; or

(2) upon due depository with postage or freight charges pre-paid in the U.S. mail or with other commercial carrier.

(d) The requesting party should receive confirmation of receipt by the Hendersonville Police Department within 24 hours, if the review request is received online, or otherwise within 2 business days of receipt by the City if the review request is submitted in person or through the mail or commercial carrier.

(e) The request for review shall be considered and decided upon by the Chief of Police or his/her designee. Upon review of the information provided by the requesting party the Chief (or designee) may set aside the parking citation if he/she determines that the requestor was in compliance with this article at the time the citation was issued or that parking citation was issued in error. Examples of a citation being issued in error include, but are not limited to:

- (1) The ticket was issued for parking without the required payment and requestor has a parking receipt which shows that, at the time the citation was issued, the parking was, in fact, paid for.
- (2) The vehicle was not parked at the location listed on the parking citation at the time the citation was issued.
- (3) The wrong license plate number was mistakenly entered into the parking kiosk and the requestor has a receipt showing that their parking was actually paid for as required.

The person requesting review of a parking citation will be notified of the Chief's (or designee's) decision within 5 business days of the request for review being received by the City. If the parking citation is not set aside, payment of the civil penalty assessed by the parking citation will still be due within 30 days of the date that the citation was originally issued and served pursuant to sec. 50-288(c). If the parking citation is set aside, no payment will be owed for the civil penalty originally assessed by the parking citation.

Secs. 50-343~~2~~—50-375. Reserved.

3. The Official City Parking Map, designating certain parking zones within the City of Hendersonville, is adopted as presented.

4. This Ordinance shall be effective upon adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina on this _____ day of _____ 20____.

Attest:
Hendersonville

Barbara G. Volk, Mayor, City of

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Becker, City Attorney