

# Public Hearing



**To:** Town Council

**From:** Travis Morgan

**Date:** 4/13/2021

**Re:** **Town Code Text Amendments** (*Action Item*)

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## REQUEST:

- 1) Update Town Code fines to \$50 minimum
- 2) Update Town Code computation of time to more clear and simple standard wording
- 3) Update Town Code to change all North Carolina General Statutes from 160A to 160D
- 4) Update Town Code 72.19 parking of tractor trailers in parking lots

Staff recommends updating all Town Code fines up to a minimum of \$50 for the purpose of enforcement and worst-case scenario; collections via NC debt setoff. NC debt setoff has a minimum collection amount of \$50.

Staff would like to update the calculation of time for enforcement timelines to account for customary holidays in line with customary adopted federal standards.

Staff also recommends formal update and approval of North Carolina General Statutes enabling legislature number change from 160A to 160D in the Town Code.

Staff also recommends updating 72.19 to address large vehicles parked in parking lots to the 10,000-pound standard we used for on street parking and to address passenger car parking lots being used as overnight tractor-trailer dispatch and staging areas.

**§ 72.99 SCHEDULE OF CIVIL PENALTIES.**

(A) Effective November 1, 2004, the following civil penalties are fixed for the traffic violations indicated:

	Offense	Fine
(1)	Blocking alley	\$25 <del>50</del>
(2)	Blocking driveway	\$25 <del>50</del>
(3)	Double parking	\$25 <del>50</del>
(4)	Left side of curb	\$25 <del>50</del>
(5)	Meter violation	\$10 <del>50</del>
(6)	Nonparking space	\$25 <del>50</del>
(7)	Obstructing traffic (9:00 a.m.-4:00 p.m. and 6:00 p.m.-7:00 a.m.)	\$50
(8)	Obstructing traffic (7:00 a.m.-9:00 a.m. and 4:00 p.m.-6:00 p.m.)	\$75
(9)	Parking between curb and sidewalk	\$25 <del>50</del>
(10)	Parking overtime	\$15 <del>50</del>
(11)	Park or drive on sidewalk	\$25 <del>50</del>
(12)	Pedestrians subject to traffic regulations	\$10 <del>50</del>
(13)	Quiet zone	\$25 <del>50</del>
(14)	Using street for storage	\$100
(15)	Unauthorized parking on city property	\$25 <del>50</del>
(16)	Key in unattended vehicle	\$15 <del>50</del>
(17)	Vehicle parked in public right-of-way	\$100
(18)	Handicapped parking	\$100
(19)	Blocking curb cut	\$100
(20)	Violating restrictions in neighborhood parking permit area	\$25 <del>50</del>
(21)	<del>Other parking violation not indicated</del> <b>General penalty unless otherwise shown</b>	\$25 <del>50</del>
(22)	Parking in a fire lane/blocking fire hydrant	\$100

**§ 10.12 REASONABLE TIME; COMPUTING TIME.**

~~—(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of the act or the giving of the notice.~~

~~—(B) The time within which an act is to be done shall be computed by excluding the first and the last day; and if the last day is Saturday, Sunday or a legal holiday, that day shall be excluded.~~

(A) exclude the day of the event that triggers the period;

(B) count every day, including intermediate Saturdays, Sundays, and legal holidays; and

(C) include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

**All Town Code North Carolina General Statutes References:**

Text amendment to update all Town Code references from 160A to current 160D section numbers.

**EXISTING:**

**§ 72.19 PARKING OF TRUCKS OVER ONE AND ONE-HALF TONS.**

It shall be unlawful for any person to park or cause to be parked any truck or tractor-drawn trailer larger than one and one-half ton capacity upon any of the streets, public alleys or rights-of-way of the town within the residential areas of the town.

(1995 Code, § 40-154) Penalty, see § 72.99

**PROPOSED:**

**§ 72.19 PARKING TRACTOR-TRAILERS OR VEHICLES OVER SIX TONS.**

(A) It shall be unlawful for any tractor-trailer or vehicle over ten thousand (10,000) pounds to be parked in any parking lot, travel lane, or parking space designed passenger vehicles.

(B) Item (A) above shall not apply to vehicles used in association with properties in zoning compliance with all valid approved permits for an active construction site, vehicles parked actively refueling gas tanks such as with gas stations, road repaving, water, sewer, or similar public utility project, or as approved on a zoning temporary event permit.

(2021) Penalty, see § 72.99

**TOWN CODE PRIOR UPDATE REGARDING 10,000LBS:**

**72.14 ON STREET PARKING AND VEHICLES IN EXCESS OF 90 INCHES IN WIDTH.**

(A) It shall be unlawful for any person to park any vehicle, trailer, material, or equipment which shall have a width in excess of 90 inches, and/or any commercial vehicle, and/or any vehicle over ten thousand (10,000) pounds upon any street or street right-of-way within the town.

(B) Section A shall not apply to vehicles used in association with any government approved roadway or utility project such as road repaving or where specifically designed and approved for on street commercial vehicle parking/loading as approved by Pineville Town Council.

**Definition added:**

Commercial Vehicle: Any vehicle or equipment other than a customary residential two or four door passenger car, pick-up truck, Sport Utility Vehicle (SUV) or passenger van less than 15 passengers.

**PROCEDURE:**

Upon approval of the above, these sections will be formatted in ordinance arrangement for formal signature. Town Code has no provision about Planning Board review. This would therefore be you as Town Council for review and approval following our past revision process. This hearing is to gain any information or clarification about the proposal. If there are no changes or follow-up you may at your discretion close the hearing and take a vote.