

AN ORDINANCE AMENDING TITLE VII: TRAFFIC CODE, CHAPTER 72:
PARKING SCHEDULES, SCHEDULE I. GENERAL PARKING REGULATIONS,
OF THE TOWN OF DUCK CODE OF ORDINANCES BY ADDING THE
DEFINITIONS OF PRIVATE STREET AND PUBLIC ROAD

Ordinance No. 18-02

WHEREAS, pursuant to N.C. Gen. Stat. §160A-174 a town may by ordinance define, prohibit, regulate or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the town; and

WHEREAS, pursuant to N.C. Gen. Stat. §160A-301 a town may regulate the stopping, standing, or parking of vehicles on the public roads and in specified areas of any privately owned public vehicular areas provided the owner or person in general charge of the operation and control of that area requests in writing that such an ordinance be adopted; and

WHEREAS, the Town has received a written request from the owner or person in charge of privately owned public vehicular areas within the subdivisions of Sound Sea Village, Saltaire, Georgetown Sands, Osprey, South Snow Geese, Bayberry Bluffs, Sea Ridge, Sea Pines, Sandy Ridge, Olde Duck Beach, Four Seasons, Snow Geese Dunes, Ships Watch, Poteskeet, Wild Duck Dunes, Gull's Flight Homeowners Association, the Sanderling Homes Association, Inc., Sandhills, Port Trinitie, Duck Ridge Village, the Sanderling Property Owners Association, and most recently, Tuckahoe, that the Town adopt an ordinance prohibiting the stopping, standing or parking of vehicles on or on parts of streets in those subdivisions; and

WHEREAS, the Town wishes to define "private street" and "public road" for the purposes of enforcement by the Town of Duck Police Department under Chapter 72(A)(3) of the Town of Duck Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY the Town Council for the Town of Duck, North Carolina, that Title VII: Traffic Code, Chapter 72: Parking Schedules, Schedule I. General Parking Regulations, of the Town of Duck Code of Ordinances be amended as follows:

Part I.

CHAPTER 72: PARKING SCHEDULES

Schedule

I. General parking regulations

SCHEDULE I. GENERAL PARKING REGULATIONS.

(A) *Regulations.* No person shall stop, stand or park a motor 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 places:

(1) On a multi-use pedestrian path situated within the right-of-way of a street or highway and adjacent to the paved portion thereof, that is constructed for the use of pedestrians, bicyclists and other non-motorized vehicles;

(2) Except for emergency vehicles, public safety vehicles, motorized vehicles of Town contractors engaged in Town-related activities, or motorized vehicles of the state or state contractors engaged in state-related activities, no motorized vehicle shall be allowed to operate, park, or be left standing on the shoulder of North Carolina Highway 12 or any public road maintained by the North Carolina Department of Transportation;

(3) On private streets or parts of private streets in the following subdivisions.

<i>Subdivision</i>
Sound Sea Village
Saltaire
Georgetown Sands
Osprey
South Snow Geese
Bayberry Bluffs
Sea Ridge
Sea Pines
Sandy Ridge
Olde Duck Beach
Four Seasons
Ships Watch
Snow Geese Dunes
Poteskeet (non-state maintained roads)
Wild Duck Dunes
Gull's Flight
Sanderling Homes Association, Inc. (Oyster Catcher Lane, Skimmer Way, Bunting Lane, Bunting Way, Shearwater Way, Sandpiper Cove and Pelican Way)
Sandhills
Port Trinitie
Duck Ridge Village (Duck Ridge Village Court)
Sanderling Property Owners Association (Station Bay Drive, Martin Lane, Vireo Lane, Waxwing Lane, Waxwing Court and Blue Heron Lane)
Tuckahoe

(4) On the following public roads.

<i>Road</i>
North Carolina Highway 12
SR 1293 Seabreeze Drive
SR 1297 Poteskeet Drive
SR 1408 Dianne Street
SR 1409 Christopher Drive/Oceanway Court
SR 1410 Teresa Court
SR 1417 Plover Drive
SR 1425 Wampum Drive
SR 1469 Sea Hawk Drive West
SR 1473 Buffell Head Road
SR 1474 Old Squaw Drive

SR 1475 Sprigtail Drive
SR 1476 Canvas Back Drive
SR 1477 Wood Duck Drive
SR 1478 Pintail Drive
SR 1479 Widgeon Drive
SR 1484 Sea Hawk Drive East
SR 1518 Dune Road
SR 1519 Speckled Trout Drive

(B) *Definitions of Private Street.* For purposes of Section (A)(3) of this Chapter 72, and notwithstanding any other definition of private street or public road contained in this Code or in the General Statutes, the term “private street” shall mean only that portion of the right-of-way of a private street which is improved with asphalt, gravel or similar material, and which is intended to be regularly traversed by motor vehicles.

(C) *Civil penalties.*

(1) Violations of this chapter shall subject the offender to a civil penalty in the amount of \$25. Pursuant to G.S. § 160A-175, criminal penalties for violation of this chapter as set out in G.S. § 14-4 are hereby removed. Civil penalties may be recovered by the Town in a civil action in the nature of debt or may be collected in other amounts as prescribed herein within the prescribed time following the issuance of notice or citation for the violation.

(2) Whenever a member of the Police Department of the Town or other person charged by ordinance or Charter with the enforcement of the provisions of this chapter regulating the parking of vehicles shall find that any of those provisions are being, or have been, violated by the owner or operator of any vehicle, the officer or person shall notify the owner or operator of the vehicle of the violation by conspicuously attaching to the vehicle a parking violation notice or citation in a form as the Finance Director of the Town may direct.

(3) The parking violation notice or citation shall, among other things:

(a) State upon its face the amount of the penalty for the specific violation if the penalty is paid within 48 hours from and after the violation;

(b) Notify the offender that a failure to pay the penalty within 30 days from the violation shall subject the offender to an additional late penalty in the amount of \$20;

(c) Notify the offender that a failure to pay the penalty within the prescribed time shall subject the offender to a civil action in the nature of debt for the stated penalty plus an additional penalty in the amount of \$50, together with the cost of the action to be taxed by the court;

(d) Further provide that the offender may answer the Town parking citation by mailing the citation and the stated penalty to P.O. Box 8369, Duck, North Carolina, 27949, or may pay the amount at the Town Administrative Offices and that upon payment, the case or claim and right of action by the Town will be deemed compromised and settled; and

(e) That the penalty must be paid within 48 hours of the issuance of the citation. The notice shall further state that if the parking violation citation is not cleared within 48 hours, court action by the filing of a civil complaint for collection of the penalty may be taken. As used upon the parking violation citation, the word "cleared" shall mean either:

1. Payment;
2. Arrangement for payment to be made; or
3. A prima facie showing that the parking citation was received as a result of mistake, inadvertence or excusable neglect.

(4) The Town Manager or the Town Manager's designee is authorized to accept payments in full and final settlement of the claim or claims, right or rights of action which the Town may have to enforce the penalty by civil action in the nature of debt. Acceptance of a penalty shall be deemed a full and final release of any and all claims, or right of action arising out of contended violations.

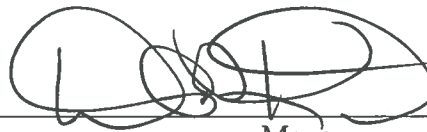
(5) (a) A delinquent penalty of \$20, in addition to the one imposed for payment within 48 hours, shall apply in those cases in which the civil penalty prescribed in division (B)(1) above has not been paid within 30 days from the date of the violation.

(b) A penalty of \$35, in addition to the one imposed for payment within 48 hours and the delinquent penalty, shall apply in those cases in which the penalties set forth above in division (B)(1) above have not been paid within the prescribed period of time, and in which a civil action shall have been instituted.

(6) All penalties paid to the Town or as may be recovered in a civil action in the nature of debt as herein provided shall be paid into the general fund of the Town at a time and under regulations as may be prescribed by the Finance Director.

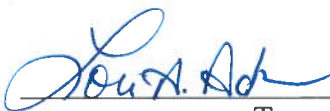
Part II.

This ordinance shall be in full force and effect from and after the 3rd day of January, 2018.



Mayor

ATTEST:



Town Clerk

