



# CITY OF SALUDA NORTH CAROLINA

<b>MAYOR</b> Fred Baisden <b>CITY MANAGER</b> Jonathan Cannon <b>COMMISSIONERS</b> Mark Oxtoby Paul C. Marion Stan Walker Bob Ross
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## **AN ORDINANCE REGULATING PUBLIC AND ON STREET PARKING IN THE CITY OF SALUDA**

### **(THE CITY OF SALUDA PARKING ORDINANCE)**

WHEREAS, pursuant to N.C.G.S. 160A-301 as enacted by the North Carolina General Assembly, the City of Saluda is authorized, by ordinance, to regulate, restrict, and prohibit the parking of vehicles on the public streets, alleys, and bridges within the city; and

WHEREAS, the Board of Commissioners finds that it is in the best interest of the citizens of the City that such regulations should be put in place to attempt to address safety issues of public and on street parking within the City of Saluda; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Saluda, North Carolina, that The City of Saluda Parking Ordinance is adopted as follows:

### **ARTICLE I. SHORT TITLE**

This ordinance shall be known and may be cited as The City of Saluda Parking Ordinance.

### **ARTICLE II. DEFINITIONS**

For the purpose of this ordinance, the following words, terms and phrases, shall have the following meanings, except where the context clearly indicates a different meaning:

1. *Loading Zone* – An area of a street used for the immediate loading or unloading of passengers, baggage or freight, or short term parking is permitted for that purpose
2. *Vehicle*-Every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway.
3. *Parking*-The stopping or standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.
4. *Parking Space*-A space sufficient in size to accommodate a standard automobile, which space is designated by appropriate lines and appropriate markings or signs.
5. *Person*-Any person, firm, association or corporation.

### **ARTICLE III. REQUIREMENTS FOR ON STREET PARKING ON MUNICIPALLY OWNED PUBLIC STREETS AND RIGHT OF WAYS**

It is unlawful to park on municipally owned public streets and right of ways within the municipal limits except as permitted or regulated herein:

1. On street parking shall be permitted on all municipally owned streets within the

- municipal limits.
2. On street parking shall not block or obstruct clear passage for vehicles on any street within the municipal limits.
  3. All vehicles and persons operating or owning a vehicle shall follow all signage related to parking within the public right of way.
  4. Unless otherwise specified herein, the City Manager utilizing the City of Saluda Streets Ordinance shall have authority to review all on street parking within the municipal limits and determine if a street location meets the design criteria necessary to prohibit, limit or modify parking.
  5. Signage necessary to limit, delineate, or restrict parking shall be installed in accordance with this and the City of Saluda Streets Ordinance.
  6. The Chief of Police and/or the City Manager, or their designee, may temporarily prohibit on street parking on any street or right of way or portion thereof if the Chief or City Manager determines that the prohibition is necessary in the interest of safety.

#### **ARTICLE IV. REQUIREMENTS FOR ON STREET PARKING ON NCDOT OWNED PUBLIC STREETS AND RIGHT OF WAYS**

It is unlawful to park on NCDOT owned public streets and right of ways within the municipal limits except as permitted or regulated herein:

1. On street parking shall be permitted only within designated parking spaces duly marked by either signage or road stripping.
2. Unless otherwise specified herein, the City Manager utilizing the City of Saluda Streets Ordinance shall have authority to review all on street parking within the municipal limits and determine if a street location meets the design criteria necessary to prohibit, limit or modify parking.
3. Signage necessary to limit, delineate, or restrict parking shall be installed in accordance with this and the City of Saluda Streets Ordinance.
4. The Chief of Police and/or the City Manager, or their designee, may temporarily prohibit on street parking on any street or right of way or portion thereof if the Chief or City Manager determines that the prohibition is necessary in the interest of safety.

#### **ARTICLE V. SPECIFIC REQUIREMENTS FOR ON STREET PARKING**

1. On street parking on Main Street (US 176) between Cullipher Street and Carolina Street including parallel and diagonal parking shall limit all vehicles parking within a parking space to no more than four (4) hours between the hours of 8 AM and 5 PM.
2. On street parking is prohibited on West Main Street between Carolina Avenue and Andrews Street.
3. Two on street Loading Zones are designated on Main Street (US 176) adjoining the intersection of Main Street (US 176) and Greenville Street. On street parking within the loading zone is prohibited between the hours of 7 am to 11 am Monday through Friday.
4. Two parking spaces on Main Street (US 176) adjoining the exit of the Post Office parking space shall be designated as subcompact or electric vehicle.
5. On street parking on Church Street between Main Street (US 176) and Henderson Street including parallel and diagonal parking shall provide for four (4) parking spaces with a two (2) hour time limit between the hours of 8 AM and 5 PM.

## **ARTICLE VI. ENFORCEMENT**

1. Violation of the provisions of this Ordinance shall constitute an infraction in accordance with Chapter 20 of the North Carolina General Statutes; and
2. Some violations of the provisions of this Ordinance shall be deemed a non-criminal violation for which a civil penalty shall apply. Provisions for fees, enforcement and collections are set forth herein as follows:
  - a. Any owner or operator determined to be in violation of any of the provisions of this ordinance shall receive a civil citation as set forth in the City of Saluda Resolution Setting Schedule of Fees under Police Department Services, unless a different penalty is specified by state statute or specific notice. No penalty shall be assessed until the person alleged to be in violation has been notified of the violation by a police officer or other designated code enforcement officer. Notification shall be effective if a police officer or other designated code enforcement officer advised the suspected offender of the violation either in person, by certified mail to the violator's last known address, by placing a parking ticket on the offending vehicle, or by any other means provided for in the North Carolina Rules of Civil Procedure.
  - b. If any civil penalty is not paid as described above, then thirty (30) days after issuance of the penalty in this article, the City of Saluda shall use any and all remedies available for collections allowed by the State of North Carolina. Such action shall not stop further civil penalties from accruing.
  - c. Civil penalties are an additional remedy for code enforcement. In addition thereto, all remedies allowed in the North Carolina General Statutes and this Ordinance of the City of Saluda may be pursued by the City at the same time, without waiving the civil penalties authorized in this article.
3. Appeals - A person notified of a violation may appeal such determination to the Board of Commissioners. Such appeal must be filed in writing with the city not later than thirty (30) days after the receipt of the first notice issued in this Article, subsection 2.a. Failure to timely file an appeal shall constitute acceptance of the determination that a violation exists, and waiver of the right to appeal. If an appeal is timely filed, further action by the police officer or code enforcement officer shall be suspended until a ruling is issued by the Board of Commissioners. If the Board of Commissioners finds that a violation exists, enforcement under this chapter shall continue despite any further appeals by the violator. The fact that an appeal is pending under this chapter shall not prevent the City from pursuing other enforcement remedies allowed by law, and a finding by the Board of Commissioners that a violation does exist shall not be binding in any other separate enforcement proceeding brought by the City with regard to the same violation that the Board of Commissioners ruled upon.

## **ARTICLE VII. NO CONFLICT WITH ABANDONED VEHICLE ORDINANCE**

Nothing contained herein permits any person or vehicle to park on any public street or right of way to park in violation of the City of Saluda junk, abandoned vehicle ordinance.

(Ord. O-20-03, passed 05/11/2020, Ord. O-20-13, Amended and restated 8/10/2020)

Amended and Restated this the 10<sup>th</sup> day of August 2020

*Fred Baisden*

Fred Baisden (Aug 11, 2020 15:58 EDT)

Fred Baisden, Mayor

ATTEST

*Tola Sun Mueller*

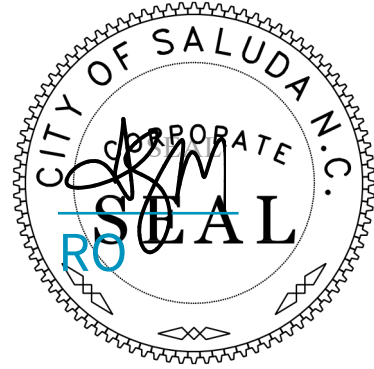
Tola Ellis (Aug 12, 2020 08:03 EDT)

Tola Mueller, City Clerk

APPROVED AS TO FORM

*Jana L. Berg*

Jana Berg, City Attorney














# 2020-08-10-01-FINAL Ordinance

Final Audit Report

2020-08-12

Created:	2020-08-11
By:	Jonathan Cannon (CityManager@cityofsaludanc.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAKEKg9jt2nDG7LJ31U5r0gG4Z57qmPAj

## "2020-08-10-01-FINAL Ordinance" History

-  Document created by Jonathan Cannon (CityManager@cityofsaludanc.com)  
2020-08-11 - 6:26:38 PM GMT- IP address: 137.119.52.67
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2020-08-11 - 6:27:42 PM GMT
-  Email viewed by Jana Berg (attorney@cityofsaludanc.com)  
2020-08-11 - 7:20:25 PM GMT- IP address: 47.42.8.41
-  Document e-signed by Jana Berg (attorney@cityofsaludanc.com)  
Signature Date: 2020-08-11 - 7:20:54 PM GMT - Time Source: server- IP address: 47.42.8.41
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2020-08-11 - 7:20:57 PM GMT
-  Email viewed by Fred Baisden (fred@cityofsaludanc.com)  
2020-08-11 - 7:55:43 PM GMT- IP address: 137.119.53.116
-  Document e-signed by Fred Baisden (fred@cityofsaludanc.com)  
Signature Date: 2020-08-11 - 7:58:15 PM GMT - Time Source: server- IP address: 137.119.53.116
-  Document emailed to Tola Ellis (cityclerk@cityofsaludanc.com) for signature  
2020-08-11 - 7:58:18 PM GMT
-  Email viewed by Tola Ellis (cityclerk@cityofsaludanc.com)  
2020-08-12 - 12:03:17 PM GMT- IP address: 137.119.52.67
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