



January 28, 2019
Council Work Session Meeting

Mayor Bryan Hough
Mayor Pro-Tem Perry Toomey
Councilwoman Carolyn Breyare
Councilman Charles McCorkle
Councilman Jeff Meadows
Councilman David Moore
Councilwoman Lauren Shoemaker
Kemp Michael, City Attorney
Danny Jackson, City Manager

**CITY OF MOUNT HOLLY
MOUNT HOLLY CITY COUNCIL WORK SESSION
Location: Council Chambers**



**January 28, 2019
6:30 P.M.**

CALL TO ORDER BY THE MAYOR

INVOCATION

SET THE AGENDA

CONSENT AGENDA

1. Approval of Certificate of Sufficiency and Resolution calling for a public hearing on the question of Annexation of property owned by Eric Lanier, Tax ID# 221751 containing approximately 147.254 acres

AGENDA

1. Discussion of a Text Amendment to Chapter 8 of the City Code of Laws *Marie Anders*
2. Discussion of Parking Issues at Catawba Ave and Highland Ave *Danny Jackson*
3. Adjourn



CITY of MOUNT HOLLY

DANNY JACKSON, ASSISTANT TO THE CITY MANAGER
COMMUNITY DEVELOPMENT

131 South Main Street
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Mount Holly, NC 28120
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PLANNING
ZONING
CODE ENFORCEMENT
PARKS AND RECREATION
GIS TECHNOLOGY
PUBLIC HOUSING

PETITION REQUESTING ANNEXATION

Date: May 16, 2018

To the City Council of the (City) Town/Village) of Mount Holly:
(name of governing body)

1. We the Undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the (City) Town/Village) of Mount Holly.

2. The area to be annexed is contiguous or is not contiguous (check one) to the (City) Town/Village) of Mount Holly and the boundaries of such territory are as follows:

being approximately 147.254 acres as shown on attached survey by Charles S. Logue, R.S. dated May 16, 2018.

****3.** We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in termination of vested rights previously acquired for this property. (If zoning vested rights are claimed, indicate below and attach proof.)

NAME		ADDRESS	VESTED RIGHTS DECLARED? (YES OR NO)	SIGNATURE
Robert Eric Lanier	P.O. Box 1028		NO	
	Pineville, NC 28134			

Vested zoning rights are being applied for congruent with annexation. Applicant does not declare any pre-existing rights.

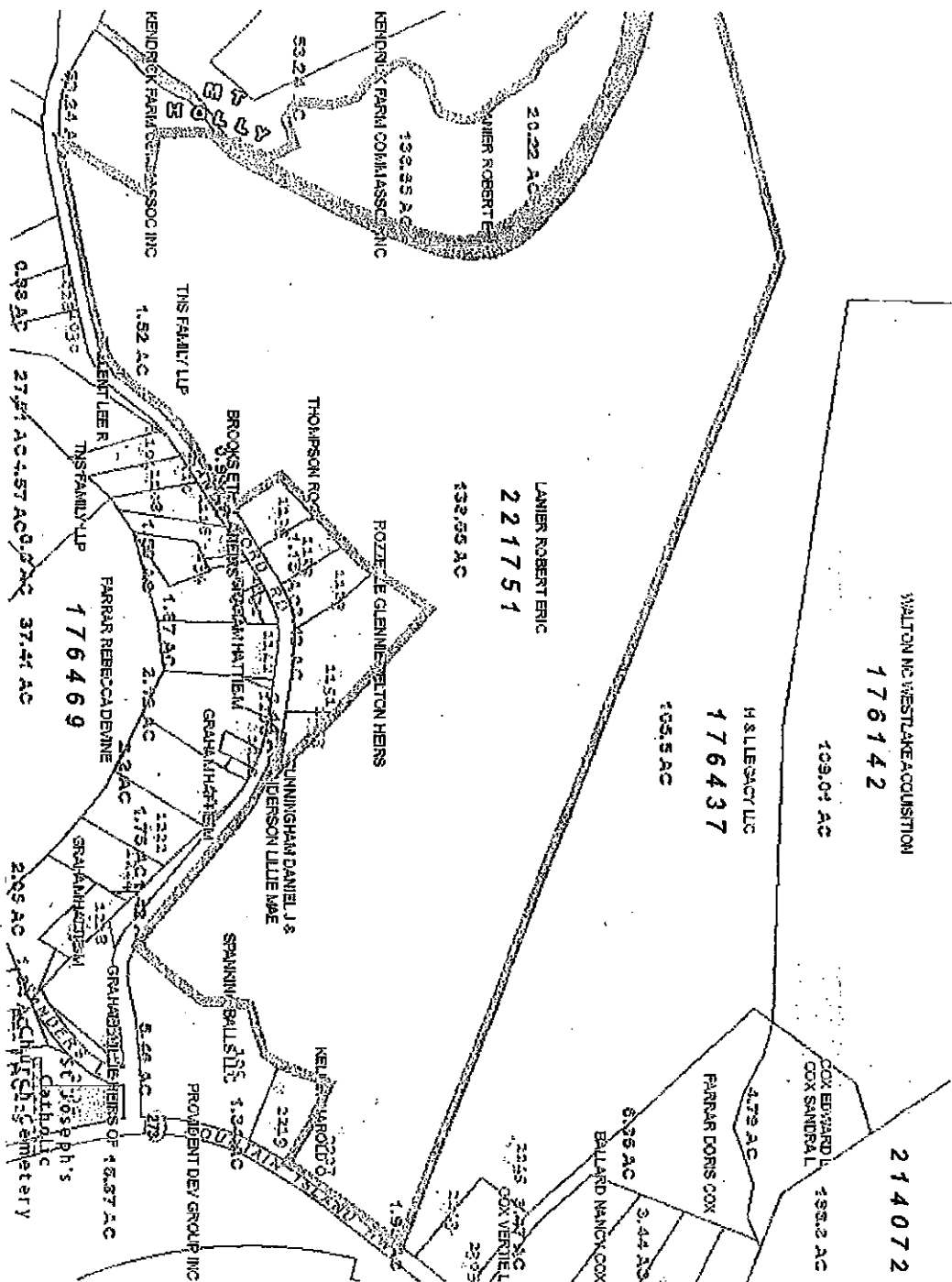
* The City of Mount Holly may wish to require a meets and bounds description and/or map.

** This is one possible format for zoning vested rights declaration. This language may require modification to reflect the requirements of the municipal zoning vested rights ordinance, if any.

ADDITIONAL ATTACHMENTS MAY BE USED



Printed On: 1/14/2019



Disclaimer: The information provided is not to be considered as a Legal Document or Description. The Map & Parcel Data is believed to be accurate, but Gaston County does not guarantee its accuracy. Values shown are as of January 1, 2015.

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S.160A-31

WHEREAS, a petition from R. Eric Lanier requesting annexation of PID 221751 was received on May 21, 2018, by the City Council of the City of Mount Holly; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City of Mount Holly Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Mount Holly deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mount Holly that:

The City of Mount Holly Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the City Council the result of her investigation.

This _____ day of _____, _____.

Bryan M. Hough, Mayor

Attest:

Amy Miller, City Clerk

CERTIFICATE OF SUFFICIENCY

To the City Council of the City of Mount Holly, North Carolina:

I, Amy Miller, City Clerk, do hereby certify that I have investigated the attached petition to annex PID 221751 and hereby make the following findings:

- a. The petition contains an adequate property description of the area proposed for annexation.
- b. The area described in the petition is contiguous to the City primary corporate limits, as defined by G.S. 160A-31.
- c. The petition is signed by and includes addresses of all owners of real property lying in the area described therein.
- d. The petitioner has not declared vested zoning rights on its petition.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Mount Holly this _____ day of _____, _____.

City Clerk

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G.S. 160A-31

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council of the City of Mount Holly has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition as been made;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mount Holly, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Mount Holly Municipal Complex at 7:00 PM on February 11, 2019.

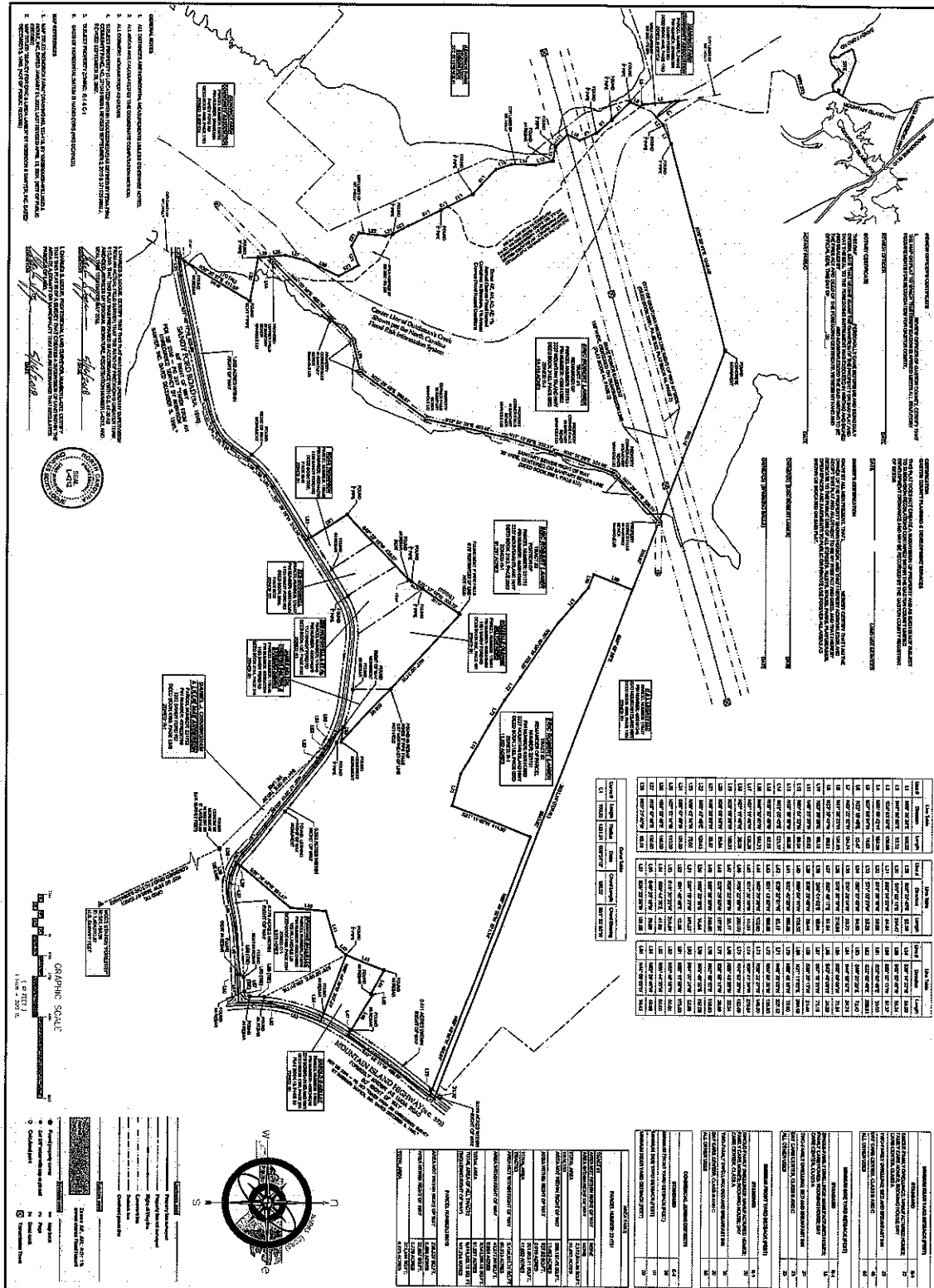
Section 2. The area proposed for annexation is described as follows: Gaston County tax PID 221751, Deed Book 3183 Page 503, and Deed Book 3682, page 529 Gaston County Public Registry; this property being approximately 147.254 acres and being bounded on the west by the property of Kendrick Farm Community Association, Inc.; on the east by property of Harold Kelley, Spanking Balls LLC, and Mountain Island Highway aka Highway 273; on the north by property of H & L Legacy, LLC; and on the south by property of Rosa Thompson, Zeb McDowell, Heirs of Glennie Belton Rozzell, James Belton, Chester Belton & Barbara Dennis Belton, and Sandy Ford Road.

Section 3. Notice of the public hearing shall be published in the Gaston Gazette, a newspaper having general circulation in the City of Mount Holly, at least ten (10) days prior to the date of the public hearing.

Mayor

ATTEST:

Clerk



FINAL PLAT OF:
SUBDIVISION OF ERIC ROBERT LANIER PROPERTY
2227 MOUNTAIN ISLAND HWY
RIVERBEND TOWNSHIP CITY OF MT HOLLY
GASTON COUNTY - NORTH CAROLINA

THE SURVEY COMPANY, INC.
4105-B STUART ANDREW BLVD
CHARLOTTE, NC 28217
(704) 565-9770 (704) 565-9772 FAX
WWW.SURVEYCO.COM
NORTH CAROLINA FIRM
REGISTRATION NUMBER C-1715

JENKINS & LOWERY PLS PA
P.O. BOX 1169
WAXHAW, NC 28173
PHONE: (704) 821-3350
NC FIRM # C-3167

MEMORANDUM

TO: Mayor and City Council, City of Mount Holly

FROM: Marie M. Anders, Assistant City Attorney

RE: City Code Chapter 8 text amendment- "Garbage, Refuse, and Waste"

DATE: January 25, 2019

For months, I have been working with staff at the direction of Danny Jackson, City Manager, and also incorporating comments from members of the City Council, to revise City Code Chapter 8, "Garbage, Refuse, and Waste." This project has taken a lot of thought and input from Miles Braswell, Tony Walker, Greg Beal, Jonathan Wilson, Brian Dupont, and City Attorney Kemp Michael. The main purposes of this proposed revision to Code Chapter 8 are to modernize the chapter to bring it up-to-date with current practices, such as recycling collection, to strengthen the process for the abatement of public nuisances and add new categories of public nuisances, and to add additional tools for staff to use to remedy problems, such as civil penalties and a new "chronic violator" provision authorized by recent legislation.

To give an overview, the proposed revised chapter has now been broken up into five articles: Article I- "Definitions and Collection Practices," Article II- "Owner's Duty to Keep Premises Clean," Article III- "Public Nuisances," Article IV- "Graffiti," and Article V- "Enforcement." This makes it easier for different departments to regulate separate articles through a specific assigned city staff member, such as the "Director" enforcing Article I on behalf of the Streets and Solid Waste Department and the "Administrator" enforcing Articles II and III.

Additionally, Article V, "Enforcement," provides some new tools for city staff, including rising civil penalties for repeat violations. Please note that Section 8-16(a) provides two options for Council to consider. Currently, this code chapter can be enforced by civil or criminal means. By that I mean that the City has the ability to file a lawsuit to receive an order for a judge that requires the property owner clean up their property or face penalties, such as being found in contempt of court. Also, pursuant to NCGS 14-4, anyone who violates any City ordinance has committed a misdemeanor and the City could enforce its ordinance by taking out a criminal summons against the violator. The two options are as follows:

- A. A violation of any provision of this chapter is a misdemeanor, and this new Section 8-16(a) would raise the limits of the fine to \$500.
- B. A violation of Articles I or IV of this chapter is a misdemeanor, but Articles II or III are decriminalized. Why would you consider this option? Article IX, section 7 of the NC State Constitution directs that the clear proceeds of all fines and penalties collected for "any breach of the penal laws of the State" be given to public schools. The NC Supreme Court has interpreted this to mean in a case out of Asheville that if a city ordinance is not decriminalized, then any civil fines collected must be paid to the public schools. Asheville had been collecting civil fines for violations of its parking ordinances and had not been criminally prosecuting violators. However, the Court concluded that because a violation of the parking ordinance was a misdemeanor under NCGS 14-4, it was a breach

of the "penal laws of the state," and the clear proceeds from the civil fines collected for violations of the parking ordinance belong to the county school fund. The City of Raleigh has decriminalized its parking ordinance, and the NC Attorney General issued an opinion that Raleigh can keep its civil fines collected for violations of those decriminalized ordinances. Therefore, if you pick option B, then the City can keep the proceeds collected from new civil penalties being added for violations of Articles II and III, including those who are repeat high grass offenders.

As to the new proposed "chronic violator" ordinance, this is found in Section 8-17 and can be adopted as authorized by NCGS 160A-200.1. This is a provision which would make it easier for city staff to deal with repeat violators of the public nuisance ordinance, including those who chronically violate the high grass provisions. Currently, every time a property is in violation of the high grass ordinance, code enforcement staff must give the property owner notice of the violation and order the high grass to be cut within 15 days. The property owner has the right to appeal the finding of a violation. After 15 days, if the high grass is not cut, the City can cut the grass and then send the property owner a bill for the cost. The property owner has 30 days to pay this bill. If the property owner does not pay the bill, then the charges become a lien on the property collectable as unpaid taxes. In the summertime when grass grows fast, some properties are in violation of the high grass ordinance and taken through this process multiple times each summer.

The new proposed "chronic violator" ordinance provides that if a property owner receives from the City a notice of violation of a public nuisance ordinance (which would include high grass) three times or more within one calendar year, then that person is a "chronic violator." At the beginning of the following calendar year, the City can give notice to the chronic violator that if that person violates the ordinance at any point during the year, the city will remedy the violation without further notice. This means that if someone violated the high grass ordinance three times in the last calendar year, then code enforcement staff can give one notice in January that if the grass is high in the current year, the city can cut it every time without having to go through the above-outlined process of giving notice and 15 days for the owner to cut the grass, cutting the grass and giving the owner 30 days to pay the bill, and then filing a lien on the property. Instead, the City can cut the grass every time it is in violation and simply file a lien on the property.

You will also find proposed new categories of public nuisances, such as accumulations of scrap materials and indoor furniture on an unenclosed porch. The proposed revision will make it clear that code enforcement staff can go through the same process as with high grass violations to require property owners to clean up these conditions or the City will clean it up for them and file a lien on the property.

With modernization, new categories of public nuisances, and additional tools for staff to remedy code enforcement issues such as civil penalties and chronic violator provisions, the proposed revised Code Chapter 8 would allow city staff to address these issues as they arise in a more timely manner with multiple options to choose from to address problem violations of garbage collection and public nuisance ordinances.

RESOLUTION TO AMEND SECTIONS OF
CHAPTER 8 ENTITLED, "GARBAGE, REFUSE AND WASTE,"
OF THE MOUNT HOLLY CITY CODE

BE IT RESOLVED that the City Council hereby amends Chapter 8 entitled, "Garbage, Refuse and Waste," of the Mount Holly City Code as follows:

Section 8-1 read as re-written:

" ARTICLE I – DEFINITIONS AND COLLECTION PRACTICES

Sec. 8-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Collection Practices Policy. The policy, as amended from time to time, governing the pre-collection and collection of solid waste and other items by the city and governing items which the city will not collect. This policy is on file with the Director.

Container, bulk (also known as a dumpster). A metal receptacle of a size and design approved by the Director~~administrator~~ for use by business and industrial concerns. Bulk containers are further regulated by the Director in accordance with the Collection Practices Policy. (11-5-84)

Container, refuse (also known as a rollout container). A rollout receptacle of metal or plastic construction having water tight fitting lids, handles sufficient for safe and convenient use, and a capacity of not less than ninety-five ~~ten~~ gallons nor more than thirty-gallons. Rollout containers are issued by the City in accordance with the Collection Practices Policy.

Garbage. All putrescible animal or vegetable wastes resulting from the handling, preparation, cooking and consumption of food in any private dwelling house, multiple dwelling, hotel, restaurant, building or other institution.

Recyclables. Materials suitable for treatment or processing for reuse. Recyclables are collected in accordance with the Collection Practices Policy.

Refuse, bulk. Leaves, ~~grass, trees, shrubbery, garden trimmings,~~ discarded household furniture and appliances, bedding, and mattresses, and ~~abandoned motor vehicles.~~ An abandoned motor vehicle is defined as one that has for a period of more than seven days been in a state of disrepair and is incapable of being moved under its own power.

Refuse, hazardous (also known as hazardous waste). Cleaning fluids, crank case oils, cutting oils, paints, plastics, explosives, acids, caustics, poisons, drugs, radioactive material, soiled infant diapers, feces, urine, and refuse of similar nature.

Residential unit, multiple. A duplex, apartment or group of apartments under a single roof and used for dwelling places for more than one family.

Rubbish. Cardboard, plastic, metal or glass food containers, waste paper, rags, sweepings, small pieces of wood, excelsior, rubber, leather and similar waste materials that ordinarily accumulate around a home, business, or industry. Rubbish shall not include garbage, bulk refuse, dead animals, hazardous refuse, industrial waste or construction waste resulting from the building, addition to or alteration of any building.

Scrap materials. Any item creating a littered condition including, but not limited to, dilapidated furniture, appliances, machinery, equipment, building materials, automotive parts, tires, or other similar items which are either in a wholly or partially rusted, wrecked, junked, dismantled, or inoperative condition.

Waste, building. Refuse or residue resulting directly from the building, construction, repair, demolition or alteration of any premises; from grading, stumping or other incidental work in connection with the clearing of any premises; or from replacement of building equipment or appliances. Building waste (also called building materials or construction waste) will not be collected except in accordance with the Collection Practices Policy.

Waste, industrial. Residue resulting directly from industrial or manufacturing operations. (4-11-66, § 1.)

Waste, yard. Leaves, grass, trees, shrubbery, and garden trimmings. Yard waste is collected in accordance with the Collection Practices Policy."

Section 8-2 reads as re-written:

"Sec. 8-2. DirectorAdministrator.

The solid waste services director ("Director") administrator shall have the responsibility for and the jurisdiction of the collection, removal and disposal of all garbage, refuse, recyclables, and rubbish, and other materials as outlined in the Collection Practices Policy within the city. (4-11-66, § 1.)"

Section 8-3 reads as re-written:

"Sec. 8-3. Permit required for private waste collectors.

No person other than employees of the Streets and Solid Waste sanitation department shall, for hire, collect, remove, haul or convey any type of garbage, refuse, rubbish, waste, recyclables, or similar matter through or upon the streets or alleys of the city or dispose of the same in any city-operated sanitary landfill without first obtaining a permit from the city manager. (4-11-66, § 1.)"

Section 8-4 reads as re-written:

"Sec. 8-4. Scavenging.

All materials delivered and deposited for collection by the city ~~in a bulk or refuse container, litter basket or in a sanitary landfill~~ are the property of the city. No person shall separate, collect, carry off or dispose of such materials unless a permit is first obtained from the city manager. (4-11-66, § 1.)"

Section 8-5 reads as re-written:

"Sec. 8-5. Matter not acceptable for disposal in sanitary landfill.

N.C.G.S. 130A-309.10(f) (as amended from time to time) governs materials which are prohibited from disposal in landfills. It shall be unlawful for any person to deposit any materials governed by N.C.G.S. 130A-309.10(f) for collection by the city, unless as part of a special collection program of the city in accordance with the Collection Practices Policy. The following shall not be acceptable for disposal in a city-operated sanitary landfill:

- ~~(a) Certain hazardous refuse such as explosives, radioactive materials or infected materials.~~
- ~~(b) Human tissue or waste resulting from operation, autopsy or obstetrical procedure or any other material of similar nature.~~
- ~~(c) Materials of any kind or nature that contain any hot or live coals or fire.~~
- ~~(d) Certain building wastes of unusual quantities that result from the construction or demolition of buildings and structures or that may result from manufacturing, industrial or agricultural processes.~~
- ~~(e)(a) All large and bulky materials such as auto car bodies that may require special preparation and processing for disposal. (4-11-66, § 1.)"~~

Section 8-6 reads as re-written:

"Sec. 8-6. Pre-collection practices.

- (a) Duty to use/furnish containers. It shall be unlawful for any person in possession, charge, or control of any place where garbage, recyclables, refuse, rubbish, or any other litter is accumulated or produced to fail to place the same in the proper container or to fail to maintain any such container in the proper location, as regulated by the Collection Practices Policy. Rollout containers used in the residential and city-served nonresidential garbage collection program are furnished by the city in accordance with the Collection Practices Policy and are the property of the city. The city does not provide bulk container services, and establishments required by the Collection Practices Policy to have bulk containers shall be responsible to contract

with private contractors for said service.

- ~~(a) Every residential and commercial location producing or having garbage, rubbish or refuse to be collected by the City shall provide and keep on their premises refuse or bulk containers of a size and design approved by the administrator to handle accumulations of such matter. All such containers must be placed in a location easily accessible to sanitation workers and equipment, and shall be replaced or repaired upon thirty (30) days' notice by the administrator that such receptacle has become unsanitary, unsafe, or unserviceable.~~

~~It shall be unlawful for such containers to be left uncovered except while refuse is being placed in the container or removed from it. Industrial and business locations requiring City dumping of bulk containers lifted by truck s warrant to the City that the drives and parking areas which the containers are located are of sufficient durability to support the trucks servicing such containers. (amended 11-5-84)~~

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- ~~(b) Number and size of refuse containers.~~

- ~~(1) Single residences shall be limited to no more than three (3) refuse containers; multi-residences shall be limited to three such containers per dwelling unit; such containers shall be not less than ten gallon nor more than thirty gallon containers.~~
- ~~(2) Commercial and industrial establishments, except as hereinafter provided, shall be limited to one (1) bulk container to be serviced by the City, except that the City will service bulk containers in place and in use and begin service by the City as of November 5, 1984. The administrator may allow additional bulk containers upon written application demonstrating a clear need of such additional service at a business or industrial location. The addition of such bulk containers shall be upon such terms and conditions as the administrator may direct.~~
- ~~(3) All bulk containers placed in service and after November 5, 1984 shall not be smaller than six (6) cubic yards nor larger than eight (8) cubic yards. (Paragraph (b) amended 11-5-84)~~

- ~~(e)(b) Materials to be placed in containersSpecial collection items. Garbage, rubbish and bulk refuse must be placed in a container. No separation of the matter is necessary; provided, that bulk refuse, excluding grass trimmings, Yard waste, bulky items, and other special collection items of a size or quantity too large to be placed in containers may be placed at the front of the premises in the grass strip between the street and the sidewalk where such strips are available, otherwise they shall be placed off that portion of the street right-of-way normally used by vehicles, pedestrians or for surface drainage. Further regulation of such items and collection of such items by the city will take place in accordance with the Collection Practices Policy.~~

- ~~(d)(c) Other limitations. No person shall throw, dispose of, or sweep from any household, yard, sidewalk, or elsewhere, any garbage, rubbish, dirt, refuse, or similar matter into a storm drain, manhole, gutter, center strip, or any other storm water~~

conveyance system (ditches, culverts, etc.) or onto a sidewalk or street, but shall deposit or dispose of the same as herein specified in this chapter. (4-11-66, §1) (amended 5-12-03)

(e)(d) Materials to be bagged. Some materials must be bagged or further prepared for collection as outlined in the Collection Practices Policy. All materials place in residential refuse containers must be bagged. Any loose material in such containers shall not be collected.

For state law as to placing of trash, refuse, etc., on right-of-way of public road, see G. S., § 14-399.”

Section 8-7 reads as re-written:

“Sec. 8-7. Substances city will not collect.

The Streets and Solid Waste sanitation department shall neither pick up nor remove any of the following, and further it shall be unlawful for any person to deposit any of the following materials for collection by the city, unless as part of a special collection program of the city and/or strictly in accordance with the Collection Practices Policy:

(a) Matter not acceptable for disposal at a sanitary landfill, as defined in Section 8-5 above.

(b) Hazardous refuse or waste.

(c) Commercial solid waste that will require the dumping of bulk containers, more than once (1) per day, three (3) days per week. (This sub paragraph to become effective on January 2, 1985). (amended 11-5-84)

(d) Building waste.

(e) Garbage, rubbish, recyclables, waste, and refuse not placed or stored as required by the provisions of this chapter. (4-11-66, § i.)

(f) Hot ashes or live coals.

(g) Contagious Disease Material/Bio-hazardous Material as defined in the Collection Practices Policy.

(h) Hypodermic instruments.

(i) Industrial waste.

(j) Junk appliances. It shall be further unlawful for any person to leave on any premises in a place accessible to children any appliances, refrigerator, or

container, without first strapping or locking the same so that it is impossible for a child to obtain access to it or be trapped inside it.

(e)(k) Dangerous items such as broken glass, light bulbs, or sharp pieces of metal.”

A new Section 8-7.1 is added as follows:

“Sec. 8-7.1 Charges for remediation of a violation by the City.

- (a) Unless otherwise provided in this article, violation of any provisions of this article shall subject the violator to civil penalties in the following amount:
 - (i) Up to fifteen (15) pounds, first offense, \$100.00.
 - (ii) Up to fifteen (15) pounds, each subsequent offense, \$250.00.
 - (iii) Fifteen (15) pounds or more, first offense, \$200.00.
 - (iv) Fifteen (15) pounds or more, each subsequent offense, \$300.00.
- (b) The violator shall pay the citation and correct the violation within thirty (30) days after receiving the citation from the city.
- (c) The Director shall have authority to issue notices of violation and/or civil citations to any person if there is reasonable cause to believe that the person has violated any provisions of this article.
- (d) Any notice of violation or citation shall be delivered personally to the violator or shall be sent by registered or certified mail to the last known address of the violator. When service is attempted by registered or certified mail, a copy of the notice may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 10 days after the mailing. If service by regular mail is used, a copy of the notice shall be posted in a conspicuous place on the premises affected.
- (e) If the violator fails to pay the citation by the due date, the Director shall have authority to file a civil complaint for the unpaid citation. Additional penalties and remedies set forth in Section 8-16 of this chapter shall apply for violations of this article.

Section 8-8 reads as re-written:

“ ARTICLE II – OWNER’S DUTY TO KEEP PREMISES CLEAN

Sec. 8-8. Owner’s duty to keep premises clean--Generally.

All owners or occupants of any premises within the city shall keep the same free and clear from garbage, rubbish, refuse, waste, items specified in section 8-5 or section 8-7, and similar matter, except:

- (a) As stored, placed or permitted in this chapter;
- (b) As stored, or placed in an enclosed building; and

- (c) As stored, placed or permitted in connection with the operation of any business authorized in this Code. (4-11-66, § 1.)”

A new Section 8-8.1 is added as follows:

“Sec. 8-8.1. Scrap materials: Declaration of policy.

The City Council hereby declares that the uncontrolled accumulation of scrap materials and dilapidated outbuildings, sheds, or similar structures, whether accessory to a principal structure or not, and appurtenances on any premises constitutes a danger to the health, safety, and welfare of the citizens of the city in that such accumulation and conditions can furnish shelter and breeding places for vermin; present physical dangers to the safety and well-being of children and other citizens; pose a danger of fire; and depreciate property values or cause a loss of business by detracting from the appearance and character of residential and commercial neighborhoods.”

A new Section 8-8.2 is added as follows:

“Sec. 8-8.2. Accumulation of scrap materials.

- (a) No person may cause, suffer, or permit scrap materials to accumulate or remain on premises under his or her control unless the scrap materials are placed on the premises in compliance with all federal, state, and local laws, including this chapter, and are stored within a structure so as to minimize substantially the dangers set forth in Section 8-8.1.
- (b) No person may cause, suffer, or permit debris or discarded items to accumulate within the yard or unenclosed porches.”

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A new Section 8-8.3 is added as follows:

“Sec. 8-8.3. Upholstered or interior furniture and appliances.

- (a) Purpose. It is the intent of this provision to protect the health, safety, and general welfare of the public, preserve property values and rights of the individual and community, enhance community appearance and aesthetic well-being, and prevent potentially hazardous, unsafe, or unhealthy conditions.
- (b) Public nuisance. In addition to the public nuisances outlined in Section 8-9, the following conditions are hereby declared to be dangerous and prejudicial to public health or safety and to constitute a public nuisance and shall be prohibited:
- (1) Upholstered or other furniture designed or manufactured exclusively for indoor use left exposed in open areas, including porches.

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(2) Any worn-out, deteriorated, or abandoned household or office furniture or appliances of any kind which are kept in open areas, including porches.

(c) Penalties. Any violation of the provisions of this section shall follow nuisance abatement procedures as provided in Article III of this chapter. Other remedies provided for in this chapter, including civil penalties, may also be used in addition to any other remedy available to the city by law or by equity."

Section 8-9 reads as re-written:

"ARTICLE III – PUBLIC NUISANCES

Sec. 8-9. Abatement of Public Nuisances.

The existence of any of the following conditions on any parcel of land, whether the same shall be developed or undeveloped, located within the corporate limits, is hereby declared to be dangerous and prejudicial to public health or safety and to constitute a public nuisance;:

- (a) The uncontrolled growth of weeds, grass, ~~or~~ vines, or other vegetation to a height of twelve inches (12") or more located within one hundred feet (100') of any residence, ~~or~~ business, or public right of way, or located anywhere within a lot or parcel being one acre or less, causing or threatening to cause a hazard detrimental to the public health or safety. (Amended 11-11-08)
- (b) Any accumulation of animals or vegetable matter that is offensive by virtue of odor or vapors or which is inhabited by rodents, snakes, or vermin of any kind.
- (c) Open wells.
- (d) An accumulation of stagnant water causing or threatening to cause inhabitation thereof by mosquito or mosquito larvae.
- (e) Any condition detrimental to the public health, safety and welfare or which violates the rules and regulations promulgated by the Gaston County health department, the State of North Carolina, or the federal government. (5-14-84)
- (f) Any accumulation of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, rubbish, brush, old clothes, rags, or any other combustible materials or objects of a like nature.
- (g) Any furniture, appliances, or other metal products of any kind or nature openly kept which have jagged edges of metal or glass, or areas of confinement.
- (e)(h) Any accumulation of garbage, refuse, rubbish, waste, scrap materials, or

similar items not placed or stored in compliance with Articles I or II of this chapter causing or threatening to cause a hazard detrimental to the public health or safety."

Section 8-10 reads as re-written:

"Sec. 8-10. Notice and Order to Abate.

- (a) For the purposes of this article, the respondent is the person in possession of the property where a public nuisance (as described in Section 8-9) is located as well as the owner of such property, if different from the former. The administrator shall have the responsibility for and the jurisdiction of remediation of conditions constituting a public nuisance under Article III of this chapter on property within the city.
- (b) Upon determination by the ~~administrator~~City that there exists on any property conditions constituting a public nuisance (as described in Section 8-9) the ~~administrator~~City shall notify the respondent by registered or certified mail to the address listed with the Gaston County tax department or by hand delivery notice of such conditions and shall order the abatement thereof within fifteen days (15) of receipt of said notice. Such notice shall include a statement informing the respondent of his or her right to appeal the order within fifteen days (15) of receipt of said notice in accordance with Section 8-11. If after due diligence, the respondents fails or refuses to accept the notice by registered mail of the violation within ten days of mailing, cannot be personally served, or cannot be determined, then the notice required by this section shall be posted conspicuously on the offending property. (5-14-84)"

Section 8-11 reads as re-written:

"Sec. 8-11. Appeal of Order of Abatement.

At any time before the expiration of the fifteen (15) day abatement period specified in Section 8-10(b), the respondent may request a hearing before the Zoning Board of Adjustment~~City Council~~ to appeal the finding of the administrator that a public nuisance as defined in Section 8-9 exists on the premises. The request for a hearing must be in writing and must be filed in the office of the City Manager. The City Manager shall fix a time for the hearings, and the initial abatement order shall be temporarily suspended pending such hearing. The hearing must be held by the Zoning Board of Adjustment~~City Council~~ within thirty-one (31) calendar days following receipt of the request for hearing by the office of the City Manager. At the hearing, the individual affected by the order shall be given the opportunity to present evidence to refute the findings which support the abatement order. Upon completion of the hearing, the Zoning Board of Adjustment~~City Council~~ shall consider the evidence before it and shall then revoke the initial order, issue a final order which differs from the original order, or reinstate the initial order as a final abatement order. (5-14-84)"

Section 8-12 reads as re-written:

"Sec. 8-12. Abatement of Nuisance by City.

Upon the occurrence of either of the following conditions:

- (a) A hearing is requested and held under Section 8-11 above resulting in either a final order with modifications or reinstatement of the initial order as a final order, and such order is not complied with within fifteen (15) days from adjournment of the hearing; or
- (b) No hearing is requested or held, and the respondent having been ordered to abate such a public nuisance fails, neglects or refuses to abate or remove the condition constituting the nuisance within fifteen (15) days from receipt of said order;

then, the administrator shall cause said condition to be removed or otherwise remedied by having employees or contractors of the City go upon said premises and remove or otherwise abate such nuisance under supervision of an officer or employee designated by the administrator. (5-14-84)"

Section 8-13 reads as re-written:

"Sec. 8-13. Owner May Request Abatement by City.

The owner of property where a public nuisance has been found to exist under this article may request the City in writing to remove such condition, at owner's own expense, which request the City may allow, in its discretion, if the City feels that the same is in the best interest of its citizens and if the City has the employees or contractors and equipment available to do such work. (5-14-84)"

Section 8-14 reads as re-written:

"Sec. 8-14. Charges for Abatement by City; Lien.

- (a) The actual cost incurred by the City in removing or otherwise remedying a public nuisance pursuant to Sections 8-12 or 8-13 shall be charged to the owner of the offending property, and the owner shall pay these charges within thirty (30) days after receiving from the City a statement of charges.
- (b) In the event charges for the removal or abatement of a public nuisance are not paid within thirty (30) days after the receipt of a statement of charges as under subsection (a), such charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes, as provided in North Carolina General Statute 160OA-193. (5-14-84)"

Sections 8-15 and 8-15.1 shall collectively be known and designated as a part of a new Article

IV, as follows:

“ ARTICLE IV – GRAFFITI”

Section 8-15 reads as re-written:

“Sec. 8-15. Graffiti- Public Nuisance.

- (a) Graffiti defined. Graffiti shall mean writings, drawings, inscriptions, figures, or marks of paint, ink, chalk, dye or other similar substances on a public or private building, structure, property, sidewalks, streets, fences, walls, overpasses, or bridges. For the purpose of this chapter, graffiti shall include drawings, writings, markings, or inscriptions regardless of the content or the nature of materials used in the commission of the act.
- (b) Exemptions.
 - (1) Subsection (a) shall not be construed to include writings, drawings, inscriptions, figures, or marks of paint, ink, chalk, dye or other similar substances to the extent it was created by the property owner or authorized in advance and in writing by the property owner. However, despite creation by the property owner or advance written authorization by the property owner, such writings, drawings, inscriptions, figures, or marks shall be considered unlawful graffiti subject to removal if the markings are deemed a public nuisance, otherwise unlawful, or present an imminent risk of danger to members of the public.
 - (2) Subsection (a) shall not be construed to prohibit temporary, easily removable chalk or other water-soluble markings on public or private sidewalks, streets or other paved surfaces which are used in connection with traditional children's activities, such as drawings or bases for stickball, kickball, handball, hopscotch or similar activities, nor shall it be construed to prohibit temporary, easily removable chalk or other water-soluble markings used in connection with any lawful business or public purpose or activity.
- (c) Removal of graffiti. Any person owning property, acting as manager or agent for the owner of property, or otherwise in possession or control of property shall remove or effectively obscure any graffiti upon such property within thirty (30) calendar days from receipt of the notice described in Sec. 8-15.1(b)~~subsection 5-26(b)~~. Failure to remove or obscure graffiti as outlined in this ordinance shall result in a fine of \$200 for each 30 calendar days the graffiti is not removed. (8-9-10)”

A new Article V, Sections 18-16 through 18-17 are added as follows:

“ ARTICLE V – ENFORCEMENT”

Sec. 8-16. Penalties and remedies.

(a) A violation of any provision of this chapter shall be a misdemeanor, punishable by a fine of not more than \$500.00 and/or imprisonment of not more than twenty days. [OR OPTION B: A violation of any provision of Articles I or IV of this chapter shall be a misdemeanor, punishable by a fine of not more than \$500.00 and/or imprisonment of not more than twenty days. Pursuant to NCGS 160A-175(b), a violation of any provision of Articles II or III of this chapter shall not be a misdemeanor, and all criminal penalties for these violations as set out in NCGS 14-4 are hereby removed.]

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(b) Upon a determination by the administrator pursuant to Article III of this chapter that conditions constituting a public nuisance exist on property and after proper notice is given pursuant to Section 8-10, the violator shall be subject to a civil penalty of \$50.00. Upon the issuance of the second nuisance notice of violation within 12 months of the first nuisance notice of violation, the violator shall be subject to a civil penalty of \$100.00. For each subsequent nuisance notice of violation occurring prior to the expiration of a 12-month period following issuance of the first nuisance notice of violation, the violator shall be subject to a civil penalty of \$200.00. If any such civil penalty is not paid within 30 days of the issuance of the citation, then the city may recover from the violator any such unpaid civil penalty in a civil action in the nature of a debt, pursuant to NCGS 160A-175(c).

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(c) Each day that any violation of any provision of this chapter continues after a person has been notified that such violation exists shall constitute a separate offense.

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(d) This chapter may also be enforced by any appropriate equitable action, including injunctions or orders of abatement.

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(e) The city may enforce this chapter by any one or any combination of the foregoing remedies, in addition to any other remedy available to it by law or by equity.

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Sec. 8-17. Annual notice to chronic violators of public nuisance or overgrown vegetation in accordance with NCGS 160A-200.1.

(a) The administrator may notify a chronic violator of the public nuisance ordinance in Article III of this chapter that, if the violator's property is found to be in violation of the ordinance, the city shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes.

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(b) The notice shall be sent by registered or certified mail. When service is attempted by registered or certified mail, a copy of the notice may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 10 days after the mailing. If service by regular mail is used, a copy of the notice shall be posted in a conspicuous place on the premises affected.

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(c) The administrator may also give notice to a chronic violator of the overgrown vegetation ordinance in Article III of this chapter in accordance with this section.

(d) For purposes of this section, a chronic violator is a person who owns property whereupon, in the previous calendar year, the city gave notice of violation at least three times under any provision of the public nuisance ordinance, including the overgrown vegetation ordinance.

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City of Mount Holly Action Agenda Item

To: City Council	Date: January 25, 2019
From: Danny Jackson, City Manager	Meeting Date: January 28, 2019
<u>Agenda Item to be considered:</u> Agenda Item #1 – Discussion of parking issues at Catawba Avenue and Highland Street	
Will this require a public hearing? ☐ YES ☒ NO	
<u>Background/Purpose of Request :</u> In you will recall, at the January 14, 2019 City Council meeting during the Public Comment section of the agenda there was a gentleman (J.L. Thompson) that spoke to you about a parking situation. More specifically, he was actually speaking on behalf of Ms. Angela Swickrath who lives at 220 E, Catawba Avenue. Mr. Thompson spoke to the attached documentation, which was given to the City Council prior to the meeting on January 14. Based upon standard practice the City Council did not respond to Mr. Thompson. This matter is hereby being brought before the City Council for direction if needed. Staff and City Attorney will be prepared to speak to the matter if necessary.	
<u>Fiscal Impact:</u>	
Will Item affect current budget	☐ YES ☒ NO ☐ N/A
Reviewed by Finance Director	☐ YES ☒ NO ☐ N/A
Preaudit Certification required	☐ YES ☒ NO ☐ N/A
Capital Project Ordinance required	☐ YES ☒ NO ☐ N/A
Budget Transfer required	☐ YES ☒ NO ☐ N/A
Total City Dollars:	\$
Budget Code	
Reviewed by City Attorney	☒ YES ☐ NO ☐ N/A
Manager/Staff Recommendation: To be discussed at the meeting on Monday night.	
Result of City Council Decision: _____	
Attachments: Submitted letter and doctor's note from Ms. Angela Swickrath	

January 14, 2019

City of Mount Holly
400 East Central Avenue
Mount Holly, NC 28120

To Whom It May Concern:

I live at 220 E. Catawba Avenue in Mount Holly. I'm writing this letter to ask permission to continue parking in front of my house, as I have done for the last 24 years. I have no room to park behind my house. My driveway is very narrow and has 2 retaining walls which make it very difficult to navigate. When parking in half of the driveway, you can't open the doors to get out of the car, I have a very serious neck condition which gives me very limited movement with which to be able to turn around to see to go in and out of my driveway. The driveway can not be widened because the foundations of both of the houses won't allow for it. I contacted the city many years ago about my problem, and was told by Danny Jackson that it would be okay to continue to park in front of my house. When parking in front of my house, I do not block the sidewalk or the road in any way. I have received a letter from the city council requesting that I don't park in front of my house. I'm asking you to please reconsider this issue.

Thank You for your Consideration,

Angela Swickrath

Angela Swickrath

December 18, 2018

David Locklear, MD
David Rinehart, MD
Andrew Dyksterhouse, MD
Brian Wysong, MD
Derek Reed, DO
Caroline Stephens, MD
Michael McCartney, MD
Gregory J. O'Leary, MD
Sheronda R. Ogilri, MD
Marty Bradshaw, PA-C
Kathryn McCurry, PA-C
Daphney Tench, FNP
Chase Fuller, PA-C

To Whom It May Concern:

Re: Angela Swickrath DOB: 05/23/1960

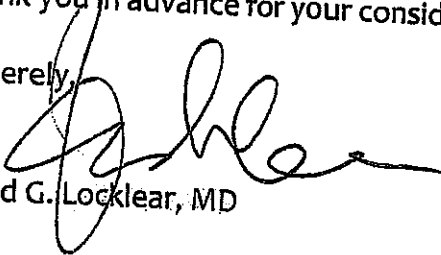
Angela Swickrath is an established patient of South Point Family Practice. Her most recent office visit was October 30, 2018. This note is in regard to her current diagnosis and parking her car.

Mrs. Swickrath has been evaluated and treated by our office for mid cervical neck pain that is aggravated with range of motion. She has also been referred to a neurosurgeon to be evaluated for the same condition. She has been diagnosed with Cervical spondylosis with myelopathy and Foraminal stenosis of the cervical region. She has tried heat, a TENS unit, trigger point injections, nerve blocks and physical therapy without improvement in her symptoms.

Mrs. Swickrath has stated the driveway of her home has cement walls around it, causing a blind spot area when leaving her home. Due to the above named diagnosis she is unable to safely pull out from her driveway. She has been parking on the street to prevent pulling out into another vehicle that she is unable to see. As her physician, I would like to request she be allowed to park on the street, where she can safely see cars in front of her and in her rear mirror.

Thank you in advance for your consideration of Angela Swickrath.

Sincerely,


David G. Locklear, MD

DGL: mw

MEMORANDUM

TO: Mayor, City Manager, and City Council, City of Mount Holly

FROM: Marie M. Anders, Assistant City Attorney

RE: Parking issues at E. Catawba Ave. and Highland Ave. intersection

DATE: January 25, 2019

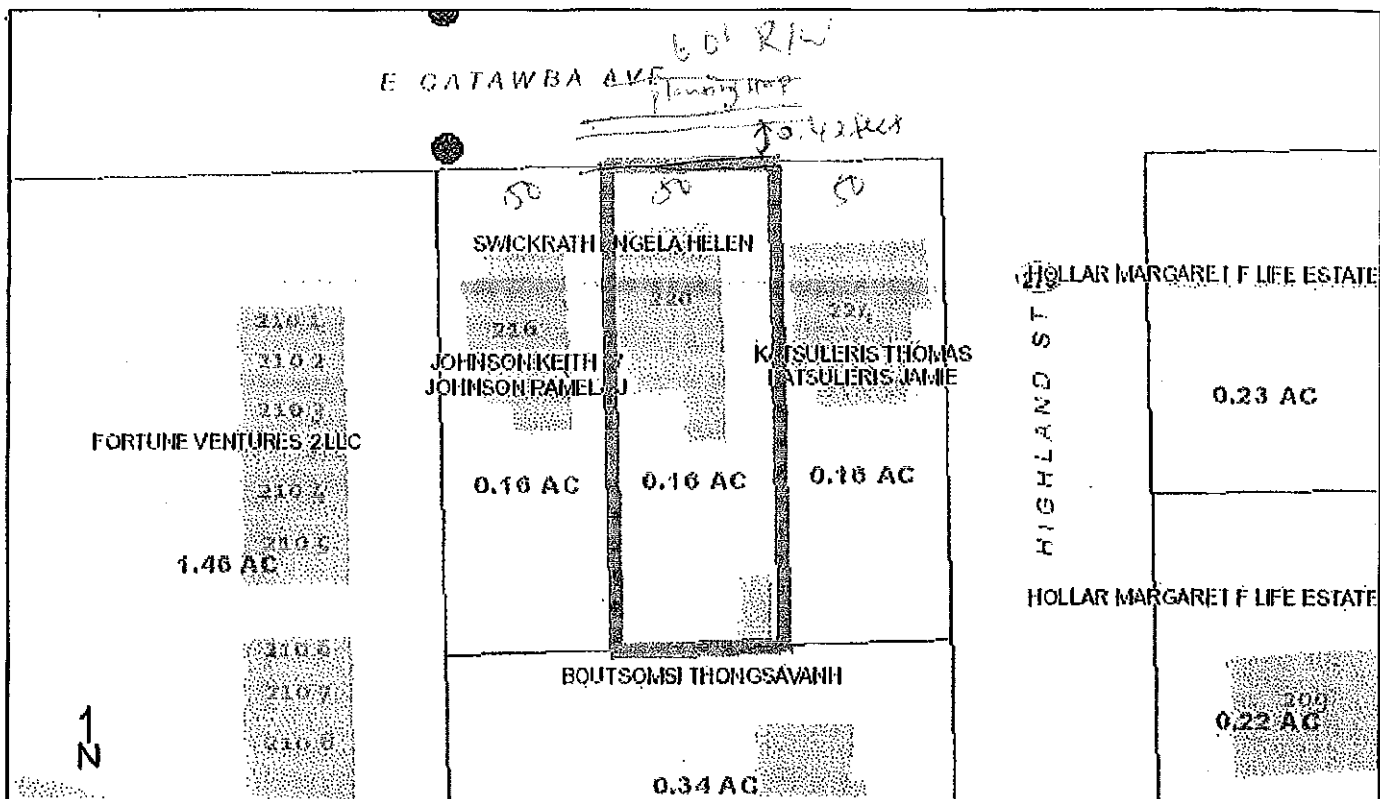
Recently, there have been complaints of cars parked in the road right of way for E. Catawba Ave. just on the right as it approaches the intersection with Highland Ave. These cars are parked off the pavement of the road in the grass in front of 220 E. Catawba Ave. and 224 E. Catawba Ave. After discussion of the issue with City Manager Danny Jackson and other staff members, we have prepared three options for your consideration:

Option A: Plant a tree and/or other plantings in the grassy area of the road right of way in front of 220 E. Catawba Ave. and 224 E. Catawba Ave. The owners of these two houses own to just behind the back of the sidewalk, and therefore do not own those grassy areas. Additionally, E. Catawba Ave. is a city street and the city would have the ability to plant vegetation in that area. In fact, as you drive along E. Catawba Ave. towards Highland Ave., the grassy portions of the road right of way on either side of the road are all planted with trees and tree plantings continue after you cross over Highland Ave. and continue up the hill towards the Municipal Complex. The only grassy areas along this portion of E. Catawba Ave. that have no plantings are in front of 220 and 224 E. Catawba Ave.

Option B: Amend the City Code to provide that cars cannot park on the part of road rights of way between the road surface and the sidewalk. Attached is a proposed resolution that would accomplish this purpose.

Option C: Enforce or utilize code sections which are already in place in Chapter 13, "Motor Vehicles and Traffic," including Sec. 13-32(a)(6) (no parking within twenty feet of a crosswalk at an intersection), (7) (no parking within thirty feet upon the approach to any flashing beacon, stop or traffic control signal), or (12) (no parking at any place where official signs prohibit stopping—a sign would need to be erected), Sec. 13-35 (city manager authorized to designate by signs places not exceeding two hundred feet in length in which stopping, standing, or parking would create an especially hazardous condition or would cause unusual delay to traffic, or adopt something similar to Sec. 13-41.1 (parking prohibited on a section of Cove Ave.).

Council would have the ability to pursue one or more of these options at the same time or could pursue none of these options.



123781 05/16/2014

Tax Information

LOCATION: 220 E CATAWBA AVE
PID #: 123781
PIN #: 3596984425
NBHD #: 3B048
NBHD NAME: MT HOLLY CENTRAL
TOWNSHIP : RIVER BEND TOWNSHIP

OWNER ID : 1401161
CURRENT OWNERS : SWICKRATH ANGELA HELEN
MAILING ADDRESS : 1125 KELLY ROAD ,
 MOUNT HOLLY , NC 28120
JANUARY 1st OWNERS: SWICKRATH ANGELA HELEN

Tax Information

DEED TYPE: WB
DEED BOOK: 008E PAGE: 1058
DEED RECORDING DATE: 09/10/2008
SALES AMOUNT: \$0

PLAT BOOK: PAGE:
LEGAL DESC. 1:
LEGAL DESC. 2:
STRUCTURE TYPE: RES 1 STORY
YEAR BUILT: 1925
SQUARE FOOTAGE: 1116
BASEMENT: NO
BEDROOMS: 3 **BATHS:** 1
MULTI-STRUCTURES: NO
ACREAGE: 0.16
DISTRICT CODE: 230
TAX DISTRICT: MOUNT HOLLY CITY
VOLUNTARY AG DISTRICT: NO

MARKET LAND VALUE: \$24,000
MARKET IMPV. VALUE: \$44,165
MARKET VALUE: \$68,165
FARM DISCOUNT: NO
TAXABLE VALUE: \$68,165

Election Information

PRECINCT NAME: MT HOLLY I
POLLING PLACE: TUCKASEEGE COMMUNITY CENTER
POLLING ADDRESS: 105 SPORTS LN
WARD #:
CONGRESS REPRESENTATIVE: MEMBER PATRICK MCHENRY
CONGRESSIONAL DISTRICT: 10
HOUSE REPRESENTATIVE: REPRESENTATIVE JOHN A. TORBETT (REP)
HOUSE DISTRICT: 108
SENATOR: SENATOR KATHY HARRINGTON (REP)
SENATE DISTRICT: 43

Parcel Information

POLICE DISTRICT: MOUNT HOLLY
FIRE DISTRICT: MOUNT HOLLY
EMS RESCUE:
STATION #: GEMS STATION 7
FLOOD:
CENSUS TRACT: 311.02

Disclaimer: The information provided is not to be considered as a legal document or description. The map & parcel data is believed to be accurate, but Gaston County does not guarantee its accuracy. Values shown are as of January 1, 2015. - Document created for printing on 1/24/2019

RESOLUTION TO AMEND SECTIONS OF
CHAPTER 1 AND CHAPTER 13 OF THE
MOUNT HOLLY CITY CODE TO PROHIBIT
PARKING ON PLANTING STRIPS

BE IT RESOLVED that the City Council hereby amends Chapter 1 and Chapter 13 of the Mount Holly City Code as follows:

A new definition for "Planting Strip" and a revised definition for "Sidewalk" within Section 1-2 read as inserted and re-written:

"Sec. 1-2. Rules of construction.

Planting Strip. The word "planting strip" or "planting area" means the area between the edge of the roadway surface and the adjacent edge of the sidewalk not designated for on-street parking.

Sidewalk. The word "sidewalk" shall mean any area adjacent to a street designated or intended for the use of pedestrian travel. ~~portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians."~~

Section 13-32(a)(1) reads as re-written:

"Sec. 13-32. Prohibited in certain places.

- (a) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, and no sign shall be required in any of the following places:

- (1) On a sidewalk or planting strip;"

on the official traffic maps of the city as a location where such turn is prohibited. (Code 1961, § 16-75.)

Sec. 13-30. Limitations on turning around.

No driver shall turn any vehicle and proceed in the opposite direction within the business district, except at street intersections; no vehicle, however, shall make such a turn at certain street intersections as described on the official traffic maps of the city at locations where such turns are prohibited. (Code 1961, § 16-76.)

Sec. 13-30.1. Off highway vehicles.

It shall be unlawful for any person to operate "off highway vehicles" including go-carts, unlicensed motorcycles, and all-terrain vehicles as defined in Chapter 20 of the North Carolina General Statutes upon any lot containing less than one acre and located in a residential zoning district. (Effective 10-01-06.)

Article IV. Stopping, Standing and Parking.

For state law as to authority of city to regulate onstreet parking, see G.S., § 160-301. As to prima facie rule of evidence for enforcement of parking regulations, see G.S., § 20-162.1.

Division 1. Generally.

Sec. 13-31. Application of article.

The provisions of this article prohibiting the stopping, standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device. (Code 1961, § 16-82.)

Sec. 13-32. Prohibited in certain places.

(a) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, and no sign shall be required in any of the following places:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection;

- (4) Within fifteen feet of fire hydrant;
 - (5) On a crosswalk;
 - (6) Within twenty feet of a crosswalk at an intersection;
 - (7) Within thirty feet upon the approach to any flashing beacon, stop or traffic control signal;
 - (8) Within fifty feet of the nearest rail of a railroad crossing;
 - (9) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of such entrance, when properly signposted;
 - (10) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
 - (11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - (12) At any place where official signs prohibit stopping.
 - (13) On River Street from the City's parking lot at River Street Park North to Dutchman's Creek. (adopted & effective 6-8-92)
- (b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful. (Code 1961, § 16-89.)

For state law as to parking in certain places, see G.S. §§ 20-157, 20-162.

Sec. 13-33. Obedience to no parking zone and safety zone markers.

Whenever authorized signs or markers are placed which indicate no parking zones or safety zones, the driver of a vehicle shall obey such regulatory indications. (Code 1961, § 16-84.)

Sec. 13-34. When vehicles not to stop in streets.

- (a) No vehicle shall stop in any street, except for the purpose of parking as prescribed in this chapter, unless such stop is made necessary

- (1) By the approach of fire apparatus;
 - (2) By the approach of a funeral or other procession which is given right-of-way;
 - (3) By the stopping of a public conveyance;
 - (4) By the lowering of railway gates;
 - (5) By being given countermanding traffic signals;
 - (6) By the passing of some other vehicle or a pedestrian;
 - (7) By some emergency.
- (b) In all cases covered by these exceptions, vehicles shall stop so as not to obstruct any footway, pedestrian aisle, safety zone, crossing or street intersection if it can be avoided. (Code 1961, § 16-85.)

Sec. 13-35. Hazardous or congested places.

- (a) The city manager is hereby authorized to determine and designate by proper signs places not exceeding two hundred feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.
- (b) When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand or park a vehicle in any such designated place. (Code 1961, § 16-92.)

Sec. 13-36. Vehicles backed up to curb.

In no case shall a vehicle remain backed up to curb, except when actually loading or unloading. If the vehicle be horse-drawn, the horse shall stand parallel to the curb and face the direction of traffic. (Code 1961, § 16-98.)

Sec. 13-37. Left side of vehicle to curb in business district.

No vehicle shall stop with its left side to the curb in the business district. (Code 1961, § 16-99.)

Sec. 13-38. Bus zones.

It shall be unlawful to park a bus upon any street in the business district at any

place other than a bus stop. Bus stops shall be designated and marked by the city manager with appropriate signs. (Code 1961, § 16-101.)

Sec. 13-39. Curb loading zones.

The city manager shall designate and mark locations of curb loading zones for the purpose of loading and unloading of merchandise, goods, etc. (Code 1961, § 16-102.)

Division 2. Parking.

Sec. 13-40. Signs required.

Whenever any parking time limit is imposed or parking is prohibited on designated streets at designated places, it shall be the duty of the street department to erect appropriate signs giving notice thereof and no such regulations shall be effective unless the signs are erected and in place at the time of any alleged offense. (Code 1961, § 16-83.)

Sec. 13-41. Obstruction of traffic.

No person shall park any vehicle upon a street or in any alley in such a manner or under such conditions as to leave available less than ten feet of the width of the paved roadway for free movement of vehicular traffic. Cars parked in violation of this ordinance shall be subject to being towed at owner's expense. (Code 1961, § 16-86.) (amended 2-17-92)

 13-41.1. Parking shall be prohibited from the East end of Cove Avenue (as extended by Council action of October 14, 1991) westward to a point at the Northwest corner of Lot Number 14 of the W. O. Pratt land as shown on plat recorded in Plat Book 4, Page 101, of the Gaston County Register of Deeds Office. Cars parked in violation of this ordinance shall be subject to being towed at owner's expense. (adopted 2-17-92)

Sec. 13-42. Parking in alleys.

No person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property. (Code 1961, § 16-87.)

Sec. 13-43. Standing or Parking for certain purposes.

(a) Storage prohibited; 72-hour limit.

- (1) It shall be unlawful to stand or park a vehicle or any portion of a vehicle within any street or highway right-of-way for the principal purpose of:
 - a. Displaying it for sale.
 - b. Washing, greasing or repairing such vehicle, except repairs