

BEFORE THE CITY COUNCIL OF THE CITY OF GASTON

ORDINANCE No. 2013-01

**AN ORDINANCE AMENDING THE GASTON CITY CODE RELATING TO
PARKING VIOLATIONS**

WHEREAS, Ordinance 90 was adopted August 9, 1994 and codified in Chapter 70 of the Gaston City Code as sections 70.20 to 70.48; and

WHEREAS, Section 13 of Ordinance 90, "PROHIBITED PARKING OR STANDING," codified as Section 70.32 of the Gaston City Code, was amended by Ordinance 97-004; and

WHEREAS, enforcement of parking regulations would be enhanced by greater specificity for certain violations and clarification of the enforcement process; now, therefore,

THE CITY OF GASTON ORDAINS AS FOLLOWS:

SECTION 1.

Section 70.32 of the Gaston City Code as amended by Ordinance 97-004 is amended as follows, to add the material **in bold** and to repeal the material that is underlined:

Section 70.32. PROHIBITED PARKING OR STANDING

No person shall park or stand **any of the following on a public street:**

- A. A vehicle in violation of state motor vehicle laws or in violation of a lawfully erected parking limitation sign.
- B. A vehicle in an alley other than for the expeditious loading and unloading of persons or materials, and in no case for a period in excess of 30 consecutive minutes in any two hour period.
- C. A motor vehicle that is designed, used or maintained for the transportation of property and having a gross weight in excess of 8,000 pounds on a street between the hours of 9 p.m. and 7 a.m. of the following day in front of or adjacent to a residence, motel, apartment house, hotel, or other sleeping accommodation.
- D. The following licensed vehicles in a residential zone:
 - (a) Farm
 - (b) Heavy Fixed Load
 - (c) Heavy Trailer

- (d) Light Fixed Load
- (e) Mobile Home
- (f) Motor Home
- (g) Prorate Trailer
- (h) Bus
- (i) Recreational Trailer
- (j) Special-use Trailer
- (k) Truck
- (l) Transporter
- (m) Towing registration/permit
- (n) Utility Trailer/Light Trailer
- (o) School Bus
- (p) Camper
- (q) Boat

E. A **vehicle** parked within 50 feet of an intersection; or within 30 feet of a driveway; or more than 24 continuous hours in the same block.

F. A **vehicle that blocks a driveway.**

G. A **vehicle within 10 feet of a fire hydrant.**

H. A **vehicle so as to obstruct a sidewalk.**

I. A **vehicle so as to obstruct a crosswalk.**

J. A **vehicle so as to obstruct mailbox access.**

K. A **vehicle in a manner that, in the citing officer's reasonable discretion, is unsafe or creates a traffic hazard.**

SECTION 2.

Section 70.43 of the Gaston City code, "CITATION FOR ILLEGALLY PARKED VEHICLE," is amended to add the following text:

The City Council may from time to time by resolution establish the presumed penalty to be imposed for parking violations, not to exceed \$25. The presumed penalty shall be stated on the citation. Within seven days of the issuance of the citation, the operator or owner shall pay the penalty or appear in person before the clerk of the Municipal Court to plead Not Guilty and arrange a hearing date before the Municipal Court. If, within seven days of the citation, the penalty stated on the citation is not paid and the owner or operator has failed to appear before the court clerk to plead Not Guilty, the amount of the penalty shall double.

SECTION 3.

Section 70.44 of the Gaston City Code, authorizing the city judge to issue a warrant for the arrest of a parking violator's vehicle or to request the state to suspend a parking violator's license, is repealed in its entirety.

This Ordinance shall take effect 30 days after passage.

Presented and Passed first reading on the ____ day of _____, 2013.

Presented and Passed the second and final reading on the ____ day of _____, 2013.

Votes in favor _____

Votes against _____

Wenonah Blanchette, City Recorder

Approved this ____ day of _____, 2013 by the Mayor.

Mayor