

CHAPTER 70: GENERAL PROVISIONS

Section

General Provisions

- 70.01 Definitions
- 70.02 Compliance with title
- 70.03 Obedience to police
- 70.04 Enforcement authority
- 70.05 Application of chapter to drivers of government vehicles
- 70.06 Application of chapter to persons propelling pushcarts or riding animals
- 70.07 Accident reports

Traffic-Control Devices

- 70.20 Installation and maintenance
- 70.21 Obedience to devices
- 70.22 Necessity of signs

- 70.99 Penalty

GENERAL PROVISIONS

§ 70.01 DEFINITIONS.

For the purpose of this traffic code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORIZED EMERGENCY VEHICLE. Vehicles of the Fire Department, police vehicles, emergency vehicles of municipal departments and such ambulances designated or authorized by the Chief of Police.

BLOCK. A portion of any street located between two intersections adjacent to each other.

Bryson City - Traffic Code

BUSINESS DISTRICT. The territory contiguous to a street or highway when 50% or more of frontage thereon, for a distance of 300 feet or more, is occupied by buildings which are in use for business purposes.

CROSSWALK. That portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections. Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

DRIVER. The operator of a vehicle as defined in G.S. § 20-4.01(25). The terms "**DRIVER**" and "**OPERATOR**" and their cognates are synonymous.

INTERSECTION.

(1) The area embraced within the prolongation of the lateral curblines or, if none, then the lateral edge of roadway lines of two or more highways which join one another at any angle whether or not one such highway crosses the other.

(2) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event that such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways such highways shall be regarded as a separate intersection.

OFFICIAL TIME STANDARD. Whenever certain hours are named herein they shall mean standard time or daylight saving time as may be in current use in this town.

OFFICIAL TRAFFIC-CONTROL DEVICES. All signs, signals, markings and devices not inconsistent with this chapter, placed or erected by authority of the governing body or an official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

OFFICIAL TRAFFIC SIGNALS. Any device, whether manually or automatically operated, by which traffic is alternately directed to stop and to proceed.

PARK. Means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

ROADWAY. That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes two or more separate roadways the term "**ROADWAY**" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

STANDING. Any stopping of a vehicle whether occupied or not.

STOP. When required, means complete cessation of movement.

STREET or **HIGHWAY.** The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purpose of vehicular traffic.

VEHICLE. Every device, in upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks; provided, that for the purposes of this chapter bicycles shall be deemed vehicles and every rider of a bicycle upon a highway shall be subject to the provisions of this chapter applicable to the driver of a vehicle except those, which by their nature can have no application. This term shall not include a device which is designed for and intended to be used as a means of transportation for a person with a mobility impairment, is suitable for use both inside and outside a building, and whose maximum speed does not exceed 12 miles per hour when the device is being operated by a person with a mobility impairment.

(`92 Code, § 70.01) (Ord. 2, passed 4-11-88)

§ 70.02 COMPLIANCE WITH TITLE.

It shall be unlawful for any person to do any act forbidden or fail to perform any act required in this title.

(`92 Code, § 70.02) (Ord. 2, passed 4-11-88) Penalty, see § 70.99

§ 70.03 OBEDIENCE TO POLICE.

No person shall willfully fail or refuse to comply with any lawful order or direction given by a police officer in the performance of his duties or the exercise of powers prescribed by this chapter.

(`92 Code, § 70.03) (Ord. 2, passed 4-11-88) Penalty, see § 70.99

§ 70.04 ENFORCEMENT AUTHORITY.

(A) The town police officers shall at all times have the duty of enforcing the traffic regulations of the town and the traffic laws of the state, and to direct all traffic in conformance with such regulations and laws, and shall have the power and duty, in the event of a fire or other emergency or to expedite traffic or to insure safety, to direct traffic as conditions may require, notwithstanding any provisions of the state law or the regulations of the town.

(B) The Chief of Police of the town shall at all times have the authority to designate parking areas, including, but not limited to, restricted and limited parking areas.

(C) In the event of fire, the members of the Fire Department of the town shall have the same powers in regard to the direction of traffic as vested in the town police officers.
(`92 Code, § 70.04) (Ord. 2, passed 4-11-88)

§ 70.05 APPLICATION OF CHAPTER TO DRIVERS OF GOVERNMENT VEHICLES.

The provisions of this title shall apply to the driver of any vehicle owned by, or used in the service of, the United States government, this state, county or town, and it shall be unlawful for any driver to violate any of the provisions of this title, except as otherwise permitted in this title or by state law.
(`92 Code, § 70.05) (Ord. 2, passed 4-11-88)

§ 70.06 APPLICATION OF CHAPTER TO PERSONS PROPELLING PUSHCARTS OR RIDING ANIMALS.

Every person propelling any pushcart, or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this chapter, applicable to the driver of any vehicle, except those provisions of this chapter which, by their very nature, can have no application.

(`92 Code, § 70.06) (Ord. 2, passed 4-11-88)

Cross-reference:

Animal drawn vehicles, see Chapter 113

§ 70.07 ACCIDENT REPORTS.

(A) The driver of a vehicle involved in a collision resulting in injury to or death of any person of total property damage to an apparent extent of \$200 or more, shall immediately, by the quickest means of communication, give notice of the collision to the Police Department, if the collision occurs within the town.

(B) Notwithstanding any other provision of this section, the driver of any motor vehicle which collides with another motor vehicle left parked or unattended on any street or highway in the town, shall immediately report the collision to the owner of such parked or unattended motor vehicle. Such report shall include the time, date and place of the collision, the driver's name, address, operator's or chauffeur's license number and the registration number of the vehicle being operated by the driver at the time of the collision. Such report may be oral or in writing. In the event the driver if, for any reason, is unable to make the report required by this division, such driver shall make and file a report of the collision in the same manner and subject to the same requirements as in the case of a collision as provided in division (A) above.

(C) The Police Department may require the driver of a vehicle involved in a collision which is required to be reported by this section to file a supplemental report when the original report is insufficient, in the opinion of the Department, and the Department may require witnesses of a collision to render reports.

(`92 Code, § 70.07) Penalty, see § 70.99

TRAFFIC-CONTROL DEVICES

§ 70.20 INSTALLATION AND MAINTENANCE.

The Chief of Police is hereby authorized to designate those intersections at which traffic shall be controlled by official traffic-control signals, and he shall install such signals as shall be necessary. The Town Clerk shall also install and maintain such other traffic-control devices as are necessary to carry out the provisions of this title.

(`92 Code, § 70.20)

§ 70.21 OBEDIENCE TO DEVICES.

It shall be unlawful for the driver of any vehicle or any pedestrian to disobey the instructions of any official traffic-control device or signal placed in accordance with the provisions of this title, unless otherwise directed by a police officer then on duty.

(`92 Code, § 70.21) Penalty, see § 70.99

§ 70.22 NECESSITY OF SIGNS.

No provision of this title for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not visible or in the proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required such section shall be effective without signs being placed to give notice thereof.

(`92 Code, § 70.22)

§ 70.99 PENALTY.

If any person shall violate an ordinance regulating the operation or parking of vehicles, he or she shall be responsible for an infraction and shall be required to pay a penalty of not more than \$50.

(G.S. § 14-4(b))