

CHAPTER 70: GENERAL PROVISIONS

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GENERAL PROVISIONS

§ 70.01 DEFINITIONS.

For the purpose of this chapter 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 and such ambulances designated or authorized by the Chief of Police.

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

BUSINESS DISTRICT. As defined in Chapter 154 (Zoning Code).

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 (OPERATOR). A person in actual control of a vehicle which is in motion or which has the engine running.

INTERSECTION. The area embraced within the prolongation of the lateral curblines or if none, then the lateral boundary lines of two or more highways which join one another at an angle whether or not one such highway crosses the other.

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 of such highways shall be regarded as a separate intersection.

MOTOR VEHICLE. Every vehicle which is self-propelled and every vehicle which is designed to run upon the highways which is pulled by a self-propelled vehicle. This shall not include mopeds as defined in G.S. § 20-4.01(27)(d)(1).

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 Board of Commissioners or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

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

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

PEDESTRIAN. Any person afoot.

PERSON. Every individual, firm, partnership, corporation, governmental agency, or combination thereof of whatsoever form or character.

POLICE OFFICER. Every officer of the Police Department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

PRIVATE ROAD or DRIVEWAY. Every road or driveway not open to the use of the public as a matter of right for purposes of vehicular travel.

PUBLIC CONVEYANCE. Any vehicle other than a taxicab or railroad train for transporting for fare.

RESIDENTIAL DISTRICT. All other areas in the town not included in the business district.

RIGHT-OF-WAY. The privilege of the immediate use of the roadway.

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** shall refer to any such roadway separately but not to all such roadways collectively.

SAFETY ZONE. Traffic island or other space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

SIDEWALK. That portion of a street between the curblines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

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

STOP. When required, means complete cessation of movement.

STOP or **STOPPING.** When prohibited, means any stopping of a vehicle except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic-control sign or signal.

STREET or **HIGHWAY.** The entire width between property or right-of-way 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 purposes of vehicular traffic.

TRAFFIC. Pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any street for purposes of travel.

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 purpose 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.

(G.S. § 20-4.01; §81 Code, § 9-1)

§ 70.02 OBEDIENCE TO POLICE.

No person shall willfully fail or refuse to comply with any lawful order, or direction, by a police officer.

(‘81 Code, § 9-25) Penalty, see § 70.99

§ 70.03 AUTHORITY OF POLICE TO DIRECT TRAFFIC.

In the case of a fire or other emergency, or when necessary to expedite traffic or safeguard pedestrians, police officers may direct traffic as conditions may require, notwithstanding the provisions of this chapter.
(‘81 Code, § 9-26)

§ 70.04 APPLICATION TO PUBLIC EMPLOYEES.

The provisions of this chapter 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 said driver to violate any of the provisions of this chapter, except as otherwise permitted in this chapter, or by state statute.
(‘81 Code, § 9-27) Penalty, see § 70.99

§ 70.05 APPLICATION TO PERSONS PROPELLING PUSHCARTS OR RIDING BICYCLES OR ANIMALS.

Every person propelling any pushcart, or riding a bicycle or 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.
(‘81 Code, § 9-29)

TRAFFIC-CONTROL DEVICES

§ 70.20 AUTHORITY TO INSTALL OR ERECT DEVICES.

All traffic-control devices, including signals, signs and street markings shall be authorized by the Board of Commissioners and placed, installed or erected under the supervision of the Town Manager. When such traffic-control devices are so authorized and erected, they shall have the same effect at law as any part of this chapter or the town ordinances.
(‘81 Code, §9-50)

§ 70.21 OBEDIENCE TO TRAFFIC-CONTROL DEVICES.

(A) The driver of any vehicle shall obey the directions of any official traffic-control device applicable thereto and placed in accordance with a traffic ordinance of the town, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle.
(‘81 Code, § 9-51)

(B) Whenever authorized signs are placed, erected or installed indicating that no

right or left, or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign, and when authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles traversing, or turning thereat, no driver of a vehicle shall disobey the directions of such indications.
(‘81 Code, § 9-53)

(C) Whenever authorized signs or markings are placed, erected or installed indicating no-parking zones or safety zones, no driver of a vehicle shall disobey the regulations in connection therewith.
(‘81 Code, § 9-58) Penalty, see § 70.99

§ 70.22 NECESSITY OF SIGNS.

No provisions of this chapter 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 in proper position and sufficiently legible to 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.
(‘81 Code, § 9-52)

§ 70.99 PENALTY.

(A) It shall be an infraction for any person to do any act forbidden, or fail to perform any act required, in this chapter.
(‘81 Code, § 9-24)

(B) If any person shall violate any provision of this traffic code for which no penalty is otherwise provided he shall be responsible for an infraction and shall be required to pay a penalty of not more than \$50.
(G.S. § 14-4(b))

SPEED ENFORCEMENT

I. LIMITATION OF LIABILITY

This directive is for the internal use of the Tryon Police Department in the State of North Carolina in the County of Polk, only, and does not in any way enlarge an officer’s civil or criminal liability. This should not be construed to create a higher standard of safety or care in any evidentiary sense with respect to third party claims. Proven violations of this directive shall form the basis of a complaint filed by this department only, in a non-judicial administrative setting.

A member shall also be governed by North Carolina Criminal Justice Education and Training Standards Commission Manuals entitled “Radar Operator Training Course” and “Time-Distance Operators’ Training”, prepared and distributed by the North Carolina Justice Academy according to statutory requirements. For the purpose of

this Directive those documents will be referred to as “Training Manuals”. (New 8/92)

II. ENFORCEMENT VOLUME

- A. The enforcement of speed and other motor vehicle laws by the Tryon Police Department for the sole purpose of building an activity record shall not be permitted or tacitly condoned by any supervisor at any level.
- B. Each member shall enforce the speed laws according to Tryon Police policy, for the ultimate purpose of reducing the excessive speed of vehicles throughout the Town of Tryon only.
- C. The primary speed enforcement will occur during daylight and dusk. Enforcement during hours of darkness will only be permitted as designated by the chief of police or his appointed assistant.
- D. That no officer will operate the radar for excessive periods of time during an eight hour or more shift. Officers will cease the operation of radar in the event of another call for service. The operator will not neglect other areas of duties during officers shift.

III. ENFORCEMENT QUALITY

The quality of speed enforcement shall be considered equally as important as the amount of enforcement. Each member shall strictly adhere to the Tryon Police Department speed enforcement policy, which is to issue citations or make arrest only for definite, clearcut and substantial violations. Motorist shall receive the benefit of any doubt. In no case shall a citation be issued or an arrest made for a frivolous, technical or borderline violation. (New 8/92)

IV. SPEED MEASURING INSTRUMENTS

- A. Speed measuring instrument shall be used by members as assigned by supervisory personnel. Supervisory personnel shall determine the distribution of available speed measuring instruments, tuning forks, and stop watches throughout the department according to need. (New 8/92)
- B. The Chief of Police shall be responsible for assuring that members are properly trained and certified to operate speed measuring instruments. (New 8/92)
- C. The Chief of Police shall have the responsibility to assure that all speed measuring instruments, tuning forks, and stop watches shall be tested for accuracy by a qualified technician in accordance with G.S. 8-50.2, 12 NCAC 9c, .0602, .0603, and .0604. The Chief of Police shall further assure that such tests shall be conducted when a vascar is installed in a vehicle and on each unit that undergoes an internal repair by a Radio Engineer. The results of the above

V. OPERATION OF SPEED MEASURING INSTRUMENTS

- A. Speed measuring instruments shall be tested for accuracy and operated in conformance with the requirements of G.S. 8-50.2, G.S. 17c-6, Title 12 Chapter 9 of the North Carolina Administrative Code, the manufacturers Operational Manual, and Training manuals.
(New 8/29)
- B. No speed measuring instruments shall be operated by a member who has not been certified to operate such instrument by the Criminal Justice Education and Training Standards Commission. (New 8/92)
- C. A member shall not operate a speed measuring instrument not owned by the Tryon Police Department, Tryon, North Carolina. (New 8/92)
(Ord. 1992-7, passed 9-21-1992)