

## Chapter 2

### Parking Restrictions

#### 2.1 *No Parking*

Ordinance Type Number:	1
Ordinance Type Status:	Active
NCGS Authority:	<a href="#">§136-18.5</a>
NCAC Authority:	<a href="#">19A:2B.0212 (a)</a>
TEPPL Reference:	<a href="#">P-3, P-4</a>
Ordinance Required:	Sometimes (see “Guidance”)
Overlap Conflict with Ordinance Types:	11
Investigation Required by Statute and/or Code:	No
Signing/Marking Required by Statute/Code:	Sometimes (see “Guidance”)
Additional Information/Justification Required:	No

#### Guidance:

Parking may be regulated on any portion of the state highway system ([§136-18.5](#)).

Parking any vehicle on any portion of the right of way of any interstate or other controlled access facility is prohibited by general statute and does not need to be ordinances ([§20-140.3, 5](#) and [§136-89.58, 5](#)).

Parking any vehicle on the shoulder of any public road is prohibited by general statute unless the vehicle is visible for 200 feet in either direction and does not obstruct traffic. In this case an ordinance would be required to prohibit parking regardless of the 200-foot or obstruction exceptions ([§20-161, b](#)).

Any vehicle “parked or left standing in violation of law” may be immediately removed from the State Highway System if it is “interfering with the regular flow of traffic” or “otherwise constitutes a hazard” ([§20-161, d, 2](#)).

Any “wrecked, abandoned, disabled, unattended, burned, or partially dismantled vehicle, cargo, or other personal property” may be immediately removed from the State Highway System if it is “interfering with the regular flow of traffic” or “otherwise constitutes a hazard,” but law enforcement personnel need concurrence from NCDOT ([§20-161, f](#)). Any vehicle may be removed from a public highway (including rest areas) if it has been parked for at least 24 hours ([§20-161, e](#)).

Municipal concurrence is not required for parking restrictions within the corporate limits of a municipality since the Department of Transportation may regulate parking upon any street which forms a link in the State highway system if it is maintained with State highway funds ([§136-18.5](#)).

Any ordinance regulating or restricting, but not prohibiting, parking shall include the specifics of any regulation or restriction (such as time of day, duration, etc.).

Municipalities may by ordinance regulate, restrict, or prohibit parking on public roads and bridges within their municipal limits. NCDOT permission or concurrence is not required if parking is prohibited on any portion of the State Highway System that is within a municipality ([§160A-301, a](#)). However, if parking is prohibited by a municipality, then a copy of the ordinance should be provided to NCDOT since there is no other venue for NCDOT to have knowledge of the ordinance.

If parking is prohibited on a portion of the State Highway System that is within a municipality by either a state or municipal ordinance, then installing and maintaining the signs is the responsibility of the NCDOT ([19A:2B.0212, a](#)). If parking is prohibited by municipal ordinance, then a copy of the ordinance should be required prior to the NCDOT installing or maintaining any signs.

If parking is regulated or restricted, but not prohibited, on a portion of the State Highway System that is within a municipality by municipal ordinance, then installing and maintaining the signs is the responsibility of the municipality ([19A:2B.0212, b](#)).

If multiple ordinances are enacted (municipal and/or NCDOT) for the same location and are in conflict with each other then the NCDOT ordinance shall take precedence since the Department of Transportation may regulate parking upon any street which forms a link in the State highway system if it is maintained with State highway funds ([§136-18, 5](#)).

Examples:

Along the east side between SR 1400 (Oak Street) and SR 1459 (Apple Drive).

Between SR 1400 (Oak Street) and 0.1 mile south of SR 1393 (Peanut Circle).

Along the east side between SR 1400 (Oak Street) and SR 1459 (Apple Drive), to be in effect between 7:00 a.m. and 5:00 p.m.

Between SR 1400 (Oak Street) and 0.1 mile south of SR 1393 (Peanut Circle), 30 minute parking only.

Between 0.08 mile north of SR 1245 (Gibbons Road) to the end of maintenance, no overnight parking.

On the off ramp of northbound I 77 at the SR 4400 (Johnson Avenue) exit (Exit 16).

## 2.2 *No Parking, Tow-Away Zone*

Ordinance Type Number:	11
Ordinance Type Status:	Active
NCGS Authority:	<a href="#">§136-18 (5)</a>
NCAC Authority:	<a href="#">19A:2B.0212 (a)</a>
TEPPL Reference:	<a href="#">P-5, V-3</a>
Ordinance Required:	Yes
Overlap Conflict with Ordinance Types:	1
Investigation Required by Statute and/or Code:	No
Signing/Marking Required by Statute/Code:	Sometimes (see “Guidance”)
Additional Information/Justification Required:	Yes

### Required:

Written justification for the ordinance, and an aerial photograph indicating the limits of the ordinance, are required for all no parking tow-away conditions that are not in or adjacent to work zones. A bona fide need is expected for these to be approved.

For no parking, tow-away ordinances in work zones, the Ordinance Program Manager shall develop a letter to the Colonel of the State Highway Patrol from the State Traffic Engineer that has the following components: statement of justification (the *reason* any vehicle parked for any period of time “constitutes a hazard”), statement that this is being enacted to protect the safety of workers and the traveling public, statement that the Department of Transportation will take responsibility and incur any costs if a court later rules that a vehicle was improperly moved, and statement that this complies with general statute [§20-161, d, 2](#) and general statute [§136-18, 5](#). This letter shall have a copy of the approved ordinance package attached to it when sent to the Colonel. This letter shall also become part of the final ordinance package.

### Guidance:

This condition is generally only used in construction zones where any vehicle parked for any period of time constitutes a safety hazard to the traveling public or those vehicles or persons working in the construction zone. However, this condition may also be used in non-construction zone locations where it is determined that any vehicle parked for any period of time constitutes a safety hazard or operational impediment to the traveling public, or detrimentally affects the operational or maintenance abilities of NCDOT. An ordinance is required because a traffic safety and/or operational investigation are usually necessary.

Any vehicle may be removed from a public highway (including rest areas) if it has been parked for at least 24 hours ([§20-161, e](#)).

Any vehicle “parked or left standing in violation of law” may be immediately removed from the State Highway System if it is “interfering with the regular flow of traffic” or “otherwise constitutes a hazard” ([§20-161, d, 2](#)).

Any “wrecked, abandoned, disabled, unattended, burned, or partially dismantled vehicle, cargo, or other personal property” may be immediately removed from the State Highway System if it is “interfering with the regular flow of traffic” or “otherwise constitutes a hazard,” but law enforcement personnel need concurrence from NCDOT ([§20-161, f](#)).

Municipal concurrence is not required for parking restrictions within the corporate limits of a municipality since the Department of Transportation may regulate parking upon any street which forms a link in the State highway system if it is maintained with State highway funds ([§136-18, 5](#)).

If parking is prohibited on a portion of the State Highway System that is within a municipality by either a state or municipal ordinance, then installing and maintaining the signs is the responsibility of the NCDOT ([19A:2B.0212, a](#)). If parking is prohibited by municipal ordinance, then a copy of the ordinance should be required prior to the NCDOT installing or maintaining any signs.

If parking is restricted, but not prohibited, on a portion of the State Highway System that is within a municipality by municipal ordinance, then installing and maintaining the signs is the responsibility of the municipality ([19A:2B.0212, b](#)).

Examples:

Both sides between 0.08 mile north of SR 1245 (Gibbons Road) and the end of maintenance.

Entrance ramp to the weigh station located 1.2 miles north of SR 1523 (Proctor Road).

Between 0.58 miles west of SR 1443 (Broughton Road) and 0.92 miles east of SR 1443 (B-2341).

### 2.3 *No Stopping, Standing or Parking on ROW*

Ordinance Type Number:	21
Ordinance Type Status:	Active
NCGS Authority:	<a href="#">§136-18 (5)</a>
NCAC Authority:	None
TEPPL Reference:	None
Ordinance Required:	Sometimes (see “Guidance”)
Overlap Conflict with Ordinance Types:	None
Investigation Required by Statute and/or Code:	No
Signing/Marking Required by Statute/Code:	No
Additional Information/Justification Required:	No

#### Guidance:

Stopping, standing, or parking any vehicle on any part of the right-of-way of interstates and other controlled-access highways (except in the case of an emergency, as directed by law enforcement, or at designated parking areas) is prohibited by statute and, therefore, does not need to be ordinance ([20-140.3, 5](#)). However, ordinances are required to prohibit stopping, standing, or parking on roads without access control. See Chapter 2 for no parking ordinances.

The Department of Transportation is vested with the power to make ordinances for the use of the State highways.

No ordinances shall be made that will conflict with any statute now in force or any ordinance of incorporated municipalities.

A highway is defined as 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 the purposes of vehicular traffic ([20-4.01, 13](#)).

#### Examples:

Between 0.58 miles west of SR 1443 (Broughton Road) and 0.92 miles east of SR 2336 (Ashton Road).