

Requested by: Mr. Michael B. Brough
Town Attorney
Town of Carrboro

Question: May a city or town by ordinance set weight limits on non-system city streets?

Conclusion: Yes

G.S. 160A-296 grants cities and towns the authority to exercise control over all public streets, sidewalks, alleys, bridges and other ways of public passage by ordinance within its corporate limits except to the extent that authority and control over certain streets and bridges is vested in the Board of Transportation.

G.S. 160A-300 grants cities and towns authority to control traffic upon the public streets, sidewalks, alleys and bridges within its corporate limits by ordinance.

The general grant of authority set forth in G.S. 160A-296 and 160A-300 is subject to the provision of G.S. 20-115, 20-116 and 20-121 only where there has been action by the State preempting the city or town. From our search of the statutes we find nothing which would preclude cities and towns from imposing weight limitations on non-system city streets if done by ordinance and properly signed. However, when the city finds it necessary to restrict weight on its streets, it should make provisions for the issuance of overweight permits pursuant to G.S. 20-119.

Ordinances setting weight limits on non-system city streets would be enforceable under G.S. 14-4.

Rufus L. Edmisten, Attorney General
William W. Melvin
Deputy Attorney General

25 July 1977

Subject: State Departments, Institutions and Agencies; Wildlife Resources Commission;