

ORDINANCE NUMBER: \_\_\_\_\_

AMENDING CHAPTER 14

AN ORDINANCE AMENDING ARTICLES I, II, IV, V, AND VIII OF CHAPTER 14 OF THE CHARLOTTE CITY CODE TO ADDRESS PARKING AND OTHER VEHICLE OPERATION ORDINANCES FOR COMMERCIAL VEHICLES, BIKE LANES, STREETCAR AND ELECTRIC VEHICLES; ADD ADA REQUIREMENTS FOR CERTAIN EXEMPTIONS AND RAILROADS; AND INCREASE CIVIL PENALTIES FOR CERTAIN PARKING VIOLATIONS.

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BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that:

Section 1. Article I of Chapter 14 of the Charlotte City Code is amended as follows:

“Sec. 14-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ADA means the Americans with Disabilities Act.

Bicycle means as defined in G.S. 20-171.8.

~~Class A motor vehicle means a combination of motor vehicles that has either:~~

- ~~(1) A combined gross vehicle weight rating of at least 26,001 pounds and includes as part of the combination a towed unit that has a gross vehicle weight rating of at least 10,001 pounds; or~~
- ~~(2) A combined gross vehicle weight rating of less than 26,001 pounds and includes as part of the combination a towed unit that has a gross vehicle weight rating of at least 10,001 pounds.~~

~~Class B motor vehicle means any of the following:~~

- ~~(1) A single motor vehicle that has a gross vehicle weight rating of a least 26,001 pounds; or~~
- ~~(2) A combination of motor vehicles that includes as part of the combination a towing unit that has a gross vehicle weight rating of at least 26,001 pounds and a towed unit that has a gross vehicle weight rating of less than 10,001 pounds.~~

~~Commercial truck means a class A or class B motor vehicle that has a commercial license plate.~~

Commercial Vehicle, Large means as defined in Article 2.3 of the Charlotte Unified Development Ordinance.

Commercial Vehicle, Light means as defined in Article 2.3 of the Charlotte Unified Development Ordinance.

Commercial Vehicle, Medium means as defined in Article 2.3 of the Charlotte Unified Development Ordinance.

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Electric vehicle supply/service equipment (EVSE) means the equipment designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with "electric vehicle charging station."

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*Motor vehicle* means every vehicle, which is self-propelled, and every vehicle designed to run upon the highways, which is pulled by a self-propelled vehicle. This does not include mopeds as defined in G.S. ~~105-164.3~~ 20-4.01(27)j, electric-assisted bicycles, or electric standup scooters.

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Plug-in electric vehicle means as defined in G.S. 20-4.01(28b).

...

Public Bicycle Path means as defined in G.S. 20-171.8.

*Vehicle* means every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved by human power or used exclusively upon fixed rails or tracks. For the purposes of this chapter, bicycles, electric assisted bicycles, and electric standup scooters shall be deemed vehicles. Every rider of a bicycle, electric assisted bicycle, or electric standup scooter upon a highway shall be subject to the sections 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, or who uses the device for mobility enhancement, is suitable for use both inside and outside a building, including on sidewalks, and is limited by design to 15 miles per hour when the device is being operated by a person with a mobility impairment, or who uses the device for mobility enhancement. This term shall not include an electric personal assistive mobility device as defined in G.S. 20-4.01(7ba).

Sec. 14-2. Emergency vehicles; exemptions.

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(c) This section shall not operate to relieve the driver of any such vehicle from the duty to always ensure an accessible path that meets ADA standards for pedestrians.

Section 2. Article II of Chapter 14 of the Charlotte City Code is amended as follows:

Sec. 14-36. Director's authority.

Under this chapter the director is authorized to:

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(16a) Establish public bicycle paths.

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Sec. 14-61. Civil penalties.

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(b) Notwithstanding subsection (a) of this section, as provided in section 2-21, the following violations may be enforced by the issuance of a civil penalty in the amount of \$100.00:

(1) Rush hour parking violation, as provided in section 14-216(a)(1) or 14-159(b).

...

(10) Parking in public bicycle path, as provided in section 14-131.

(11) Parking violation on a street that the streetcar operates on, as provided in section 14-216(a)(7a).

(12) Commercial vehicle parking, as provided in section 14-156 and 14-157.

(13) Obstructing traffic, as provided in section 14-126.

(14) Parking in space reserved for plug-in electric vehicle while charging, as provided in section 14-216(a)(26).

(15) Parking without loading or unloading, as provided in section 14-219.

(16) Parking on a sidewalk, as provided in section 14-216(a)(9).

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(d) Each hour that a vehicle remains illegally parked in a metered or time-limited space, as provided in section 14-216(a)(8), is a separate violation and is subject to the issuance of an additional parking ticket and an additional civil penalty.

Sec. 14-62. ~~Misdemeanors and infractions.~~ Reserved.

~~A violation of the following sections shall not constitute an infraction or misdemeanor punishable under G.S. 14-4: 14-188, 14-216, 14-217, 14-218, 14-219, 14-220, 14-221.~~

Section 3. Article IV of Chapter 14 of the Charlotte City Code is amended as follows:

*DIVISION 1. GENERALLY*

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Sec. 14-129. Oversized vehicles.

It shall be unlawful for any person to operate, drive, stop, stand, or park a vehicle over the city streets, when the length, width or height of the vehicle exceeds the maximum specified in G.S. ch. 20, article 3, without a permit or in violation of the terms and conditions of the permit issued pursuant to subsection 14-36(26).

Sec. 14-130. Driving on sidewalk.

It shall be unlawful to ~~drive or~~ operate, drive, stop, stand, or park a vehicle upon any sidewalk or sidewalk area except at a permanent or temporary driveway. This provision shall not be applicable to non-motorized bicycles, electric assisted bicycles operated at a speed of no more than 15 miles per hour, and electric standup scooters, which may be operated on sidewalks, except as provided in section 14-251.

Sec. 14-131. Blocking or obstructing public bicycle paths.

It shall be unlawful to operate, drive, stop, stand or park a motor vehicle on or across a designated bicycle path, except when it is reasonable and necessary:

- a) to enter or leave a driveway; or
- b) to enter or leave a legal curbside parking space; or
- c) to cross an intersection; or
- d) to make a turn within an intersection; or
- e) to comply with the direction of any law enforcement officer or other person authorized to enforce this rule; or
- f) to avoid an obstacle that leaves fewer than ten feet available for the free movement of vehicular traffic.

Notwithstanding any other ordinance, no person shall drive a vehicle on or across a designated bicycle lane in such manner as to interfere with the safety and passage of persons operating bicycles thereon.

Secs. 14-132—14-155. Reserved.

*DIVISION 2. COMMERCIAL VEHICLES ~~TRUCKS~~*

Sec. 14-156. Posted truck restrictions.

It shall be unlawful to operate, drive, stop, stand, or park a large commercial vehicle as defined in Article 2-3 of the Charlotte Unified Development Ordinance ~~truck~~ on a street or any portion of a street in violation of a posted truck restriction or prohibition.

Sec. 14-157. Commercial trucks in residential zones.

It shall be unlawful to operate, drive, stop, stand, or park a large or medium commercial vehicle ~~truck~~ upon any street, ~~other than a thoroughfare designated by the Charlotte-~~

~~Mecklenburg Thoroughfare Plan~~, in a residentially zoned district other than for the sole and exclusive purpose of loading or unloading of materials, performing work of a temporary nature, or gaining access to other streets in the area for the same purposes. This section shall not apply to the operator of a vehicle that is being used in furtherance of a governmental or public purpose.

Sec. 14-158. Truck routes.

- (a) All large commercial vehicles ~~trucks~~ entering the city destined to any point outside the city and not taking on or discharging any goods, wares, or merchandise within the city limits shall travel exclusively on established truck routes and on the parts of such truck routes as shall constitute the shortest and most direct route from the point of entrance into the city and departure from the city.
- (b) All large commercial vehicles ~~trucks~~ entering the city destined to any point within the city shall travel exclusively on established truck routes to the nearest point on such truck routes to their destination and, upon discharging their load, shall return to the nearest truck route for their movement out of the city or to some other point within the city.
- (c) All large commercial vehicles ~~trucks~~ that leave the nearest point on an established truck route to a destination off a truck route using city streets shall have a bill of lading, a delivery slip, or evidence to show point of destination or origin.
- (d) It shall be unlawful for the operator of a large commercial vehicle ~~truck~~ to fail to comply with the requirements of this section.

Sec. 14-159. Downtown commercial vehicle ~~truck~~-restrictions.

- (a) It shall be unlawful to operate, drive, stop, stand or park a large or medium commercial vehicle ~~truck~~ to engage in through truck traffic on any public street located within the area bounded by I-277 and I-77 other than Graham Street, Brooklyn Village Avenue ~~Stonewall Street~~, McDowell Street, or 11th Street.
- (b) It shall be unlawful to operate, drive, stop, stand, or park a large or medium commercial vehicle ~~truck~~ on a public street in the area bounded by I-277 and I-77 between the hours of 7:00 a.m. to 9:00 a.m. or 4:00 p.m. to 6:00 p.m. Monday through Friday without a permit issued pursuant to subsection (c) of this section or in violation of the terms of a permit issued pursuant to subsection (c) of this section.
- (c) Upon request, the city may issue a downtown commercial vehicle ~~truck~~ permit to allow for a variance from subsection (b) of this section. In deciding whether to issue a permit, the city shall consider the need for the requested variance in light of the possible disruption to rush hour traffic resulting from the variance. A permit may include terms and conditions that specify, among other things, the time of day, number of days, days of the week, location, and manner of operation of the variance. The city retains the right to revoke a permit issued pursuant to this subsection at any time.

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Section 4. Article V of Chapter 14 of the Charlotte City Code is amended as follows:

Sec. 14-216. Illegal parking.

(a) It shall be unlawful to stop, stand, or park a vehicle:

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(3) So as to obstruct a curb ramp or curb cut ~~for handicapped persons.~~

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(7a) On streets that a streetcar operates, in a marked-off parking space in a manner that the vehicle's overall dimensions are not entirely within the parking space as marked off and prevents or will prevent the streetcar from operating continuously along the street.

(8) In any metered space without making proper payment therefor or in any time-limited space for longer than the time allowed. Each hour or portion of an hour that a vehicle remains parked in the same time-limited or metered space without making proper payment following the issuance of a parking ticket shall constitute a separate violation subject to the issuance of an additional parking ticket and additional civil penalty to be applied to such vehicle.

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(26) Within any space marked as reserved for "electric vehicle parking while charging only" unless the vehicle is a plug-in electric vehicle that is plugged into the electric vehicle charging station for that space.

(27) Within any public bicycle path, as provided in section 14-131.

(b) The prohibitions in this section shall not apply to emergency and public service vehicles whose operators are performing services for which they are responsible, nor do these prohibitions apply to vehicles belonging to persons under contract with the city to perform a public service. These exceptions, however, shall apply only when an emergency situation requires that such vehicles park in the prohibited areas. This section shall not operate to relieve the driver of any such vehicle from the duty to always ensure an accessible path that meets ADA standards for pedestrians.

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Sec. 14-219. Certain vehicles to be parked only for loading and unloading.

(a) It shall be unlawful to park any of the following vehicles on a street and/or city property or right-of way along the street at any time except when engaged in loading and unloading ~~or otherwise lawfully and actively engaged in conducting the business for which they are intended and only for the duration of such activities:~~

(1) Interurban and intraurban motorbuses operating as passenger carriers and medium and large commercial vehicles as defined in Article 2.3 of the Unified Development Ordinance ~~property hauling vehicles licensed by the state as common carriers.~~

...

(c) Notwithstanding subsection (a) of this section, it shall be unlawful to park, stand, load or unload any of the vehicles in subsection (a)(1) and (2) of this section on a public street in the area bounded by I-277 and I-77 between the hours of 7:00 a.m. to 9:00 a.m. or 4:00 p.m. to 6:00 p.m. Monday through Friday, as provided in Section 14-159(b).

Section 5. Article VIII of Chapter 14 of the Charlotte City Code is amended as follows:

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Sec. 14-314. Construction of tracks or switches.

No railroad company or private person shall construct any railroad track, sidetrack, or switch in the public right-of-way without petitioning and obtaining the consent of the city council, or its designee, and entering into an encroachment agreement pursuant to city regulations. All such railroad companies and private persons shall submit plans for the location of any line of railway in the public right-of-way with its petition to the city, for its approval, before beginning any work. Such petition shall be submitted and fees paid according to the policies established by the city. Any railroad track, sidetrack, or switch in the public right-of-way must be maintained by the railroad company or private person in compliance with ADA standards for the public right-of-way.

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Sec. 14-316. Construction and maintenance of tracks level with street.

Railroad tracks in or crossing streets within the city shall be constructed and maintained by the owner, lessee or operator thereof in such a way that the top of the rail shall be on a level with the surface of the street, and such track or rail shall not be raised or lowered without the consent of the city engineering department. Space within such tracks shall be constructed by the owner, lessee, or operator of the tracks on a level with the tops of such tracks. If there is any change in the grade, the owner, lessee, or operator thereof shall give 30 days' notice to the city, and all costs for materials shall be borne by the owner, lessee, or operator with the labor for asphaltting for the street surface to be provided by the city. If, however, a prefabricated grade crossing is installed, the city will provide the materials, and the railroad will provide the labor. Where the prefabricated grade crossing has been requested by the city and installed by the railroad and is in need of repair, the railroad will do the repair and bill the city for materials only. Any work done under this section must be installed to meet the satisfaction of the city in compliance with the ADA standards for public right-of-way and is subject to inspection and acceptance by the city.

Sec. 14-317. Repair and maintenance of crossings.

Every railroad company whose tracks cross any streets in the city shall fix and keep in good repair and condition such crossing in the space covered by its right-of-way, in accordance with the ADA standards for public right-of-way and directions of the city engineer and the city council.

Sec. 14-318. Repair and maintenance of paving and other permanent improvements.

All railroad companies and all persons using any part of the streets shall be and hereby are required to keep in repair and good condition, and in compliance with the ADA standards for public right-of-way, all paving and other permanent improvements laid within, between, and on each side (that is, over the entire width of such parts of the streets which they have been, or will be, required to pave or improve) of any track belonging to or used by them on any and all streets in the city. Whenever any railroad company or person is ordered, in writing, by the city council or its designee, to repair or put in proper condition any part of the paving or permanent improvements laid within, between, or along any track, such repairs and the putting of the street in proper condition, so as not to interfere with traffic or the use of the street, shall be done by the companies or persons using the tracks within the time specified by giving written notice to the city council or its designee. The costs of maintaining and repairing such areas shall be borne by the railroad company or private owner.

Sec. 14-319. Construction and repair of roadbed and tracks.

All railroad companies shall so construct and keep in repair their roadbeds and tracks in compliance with the ADA standards for public right-of-way, so as not to interfere with, or render inconvenient, travel or traffic over the streets and sidewalks where such roadbeds or tracks are located.

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Section 5. This ordinance shall be effective \_\_\_\_\_, 2023.

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Approved as to form

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City Attorney