

ORDINANCE 2023-19

AMENDING CHAPTER 36 “TRAFFIC AND VEHICLES” OF THE NASHVILLE CODE OF ORDINANCES WITH THE ADDITION OF SECTION 36-96(a)(14) AND SECTION 36-101 “FRONT YARD PARKING PROHIBITED”

BE IT ENACTED by the Town Council of the Town of Nashville, North Carolina:

SECTION 1. NEW SUBSECTION. That Section 36-96(a)(14) is hereby created and added to the Nashville Code of Ordinance and shall read as follow:

Sec. 36-96. Parking prohibited in certain locations, no traffic control devices required.

(a) Except as otherwise provided in this article, or permit it to stand in any of the following:

(14) Beyond or off-of the hard surface of the street.

SECTION 2. NEW SECTION. That Section 36-101 titled “Front Yard Park Prohibited” is hereby created and added to in the Nashville Code of Ordinances and shall read as follows:

Sec. 36-101. Front Yard Parking Prohibited.

(a) No property owner and/or person in apparent control of the premises shall park a vehicle or allow a vehicle to be parked on any natural surface area within the front yard or side yard of a lot used for residential purposes. Front yard parking shall be on prepared hard surfaces as defined below. For single-family dwellings no more than 30% of the front yard shall be covered with prepared hard surfaces. For two-family dwellings no more than 40% of the front yard shall be covered with prepared hard surfaces. Where a corner lot provides primary parking in the corner side yard, the corner side yard shall be treated as a front yard for the purposes of this section.

(b) Exceptions may be necessary for emergency or temporary situations. In these situations, the exception shall be approved by the Code Enforcement Officer and shall not last longer than ten (10) days, unless an extension, not to exceed ten (10) additional days, is approved by the Code Enforcement Officer.

(c) Definitions. For the purposes of this section, the following words and phrases shall have the following meanings:

Front yard. The open, unoccupied space extending the full width of the lot, and situated between the street and the front line of the house, projected to the side lines of the lot.

Natural surface area. Area that is not finished with a prepared hard surfacing or unprepared hard surface, maintained in a natural state to include grass, dirt, and landscape areas.

Park. When a vehicle is stopped and allowed to remain in a fixed location for duration of time, whether attended or unattended.

Prepared hard surface. Includes, but not limited to, asphalt, concrete, gravel, or unit pavers. Prepared hard surfaces do not include those finished with dirt or mulch.

Similar material. A material that at a minimum matches the existing materials but could be improved to an accepted prepared hard surfacing. For example: If an existing gravel driveway was to be extended to comply with this section, a similar material would include gravel.

Side yard. The open, unoccupied space on the same lot with a house between the sideline of the house (exclusive of steps) and the sideline of the lot and extending from the front yard line to the rear yard line.

Unprepared hard surface. Surface material that is not made of a prepared hard surface material.

Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including but not limited to cars, pickups, vans, trucks, semis, motorcycles, ATVs, trailers, and campers.

(d) Enforcement Procedures.

(1) The Code Enforcement Officer upon complaint or observation of a violation should provide the occupant of the premises and/or the owner of the vehicle a written warning as to the nature of the violation and procedures for compliance.

(2) After a warning, the Code Enforcement Officer may issue civil penalties according to the penalties enumerated below.

(3) Any effort to improve surfaces in accordance with this section may temporarily stay enforcement proceedings as long as the surface requirements are to be met in a reasonable time as approved by the Code Enforcement Officer.

(e) Penalties. Any violator of subsection (d) shall be responsible and subject to a civil penalty in the amount of twenty-five dollars (\$25.00) for each offense. Every day a vehicle is parked in violation of this ordinance shall constitute a new and separate violation subject to the above penalties. The civil penalty is to be paid within ten (10) days following service, which penalty may provide an additional fifty-dollar (\$50.00) delinquency charge upon non-payment, and which penalty and delinquency charge and costs of collection including a reasonable attorney fee may be recovered by the Town in a civil action. All civil penalties imposed by this subsection shall be paid to the Town Hall office.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in effect from and after 12:01 AM the day after its final passage and approval.

PASSED, APPROVED, and ADOPTED this 5th day of October 2023.

Attest:


Louise Bennett, City Clerk


Brenda Brown, Mayor

