

**Chapter 10**  
**MOTOR VEHICLES AND TRAFFIC**

**ARTICLE I. IN GENERAL**

**Sec. 10-1. Short title.**

This chapter may be known and cited as "The Traffic Ordinance."

**Sec. 10-2. Definitions.**

The following words and phrases when used in this chapter shall for the purpose of this chapter have the meanings respectively ascribed to them in this section:

*Authorized emergency vehicle* means vehicles of the fire department, police department and such emergency vehicles as are designated and authorized to use the privileges of authorized emergency vehicles by permit of the public safety director and ambulances when carrying an ill or injured person suffering from:

- (1) Poisoning;
- (2) Excessive bleeding, which cannot be controlled by immediate first aid; and,
- (3) Such injury and illness that the attending physician designates that rapid transportation is required.

*Business district* means the territory contiguous to and including a highway when fifty (50) percent or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business.

*Crosswalk* means 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 crossings by lines or other markings on the surface.

*Driver* means every person who drives or is in actual physical control of a vehicle.

*Intersection* means the area embraced within the prolongation or connection of the later curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at or approximately at right angles or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

*Motor vehicle* means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

*Official time standard* means whenever certain hours are named herein they shall mean standard time in use in this city.

*Official traffic-control devices* means all signs, signals, markings and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

*Official traffic signal* means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

*Park* means 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* means any person afoot.

*Parking lot* means any lot, building or structure whereon or wherein a vehicle may be parked, placed or allowed to stand.

*Public safety officer* means every officer of the municipal police department or any officer authorized to direct or regulate or to make arrests for violation of traffic regulations.

*Private road or driveway* means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

*Railroad* means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

*Railroad train* means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

*Residential district* means the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with dwellings or dwellings and buildings in use for business.

*Right-of-way* means the privilege of the immediate use of the roadway.

*Roadway* means that portion of a street improved, designed or ordinarily used for vehicular travel.

*Safety zone* means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

*Sidewalk* means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

*Standing* means any stopping of a vehicle, whether occupied or not.

*Stop* means complete cessation of movement.

*Stop* or *stopping* means any stopping of a vehicle except when necessary to avoid conflict with other traffic or in compliance with the direction of a public safety officer or traffic-control sign or signal.

*Street* or *highway* means the entire width between property 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 purpose of vehicular traffic.

*Traffic* means pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances, either single or together while using any street for purposes of travel.

*Vehicle* means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power and used exclusively upon stationary rails or tracks.

### **Sec. 10-3. Obedience to traffic laws.**

Any person doing any act forbidden by this chapter or failing to perform any act required thereby shall be deemed guilty of a misdemeanor.

### **Sec. 10-4. Authority and power of certain officials.**

- (a) The city manager or director of public safety is hereby authorized and empowered to make and promulgate regulations governing the control and movement of traffic in the city not inconsistent with this chapter; which, when made and promulgated, shall be considered a part of this chapter and shall have the same effect as if incorporated herein.
- (b) The city manager or traffic engineer for the city is hereby authorized and empowered to erect and install traffic-control devices, traffic signals, signs and markings, and to designate and lay out safety zones, school zones, hospital

zones, fire zones and other traffic zones, bus stops and taxi stands.

- (c) **The city manager shall designate persons to enforce the various provisions of this Code with respect to parking violations.**

**Sec. 10-5. Opening door on traffic side of vehicle.**

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

**Sec. 10-6. 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.

**Sec. 10-7. Unnecessary noise.**

- (a) It shall be unlawful for any person to unnecessarily blow any horn or employ the unnecessary use of any other sound signal.
- (b) The use of any cut-out, exhaust whistle, loudspeaker or siren by any person in the operation of a motor vehicle in the city is prohibited except by the operator of an authorized emergency vehicle in an actual emergency.

**Sec. 10-8. Appearance at traffic violations bureau; third offense.**

- (a) Any person who has received any notice to appear in answer to a traffic charge under the ordinances of the city, except for failure to stop or report in event of accident, reckless driving, speeding or driving under the influence of intoxicating liquor or narcotic drugs, may within the time specified in the notice answer by paying a prescribed fine and, in writing, pleading guilty to the charge, waiving a hearing in court and giving power of attorney to the person in charge of the bureau to make such a plea and pay such fine in court. Acceptance of the prescribed fine and the power of attorney by the bureau shall be deemed complete satisfaction for the violation, and the violator shall be given a receipt which so states.

- (b) Any person who has been guilty of three (3) or more violations of the provisions of the traffic ordinances of this city within the preceding twelve (12) months shall not be permitted to pay a fine at the traffic violations bureau, and he must deposit cash bail equivalent to double the prescribed fine for appearance in court at a time specified by the bureau.

**Secs. 10-9--10-30. Reserved.**

**Sec. 10-9. Alternative disposition of violations.**

Where, in the discretion of the Municipal Judge, the interest of the safety of the driving public will be best served, the Court may, upon successful completion of a recognized traffic safety education training course, enter a dismissal for any violation of this chapter. The Municipal Judge shall establish standards for admission into any traffic safety training course, and such standards shall be uniformly administered in all cases.

## **ARTICLE II. OPERATION OF VEHICLES**

**Sec. 10-31. Parades, processions, etc.**

- (a) *Permit required.* No funeral, procession or parade, excepting the forces of the United States Army or Navy, the military forces of the state, and the forces of the police and fire departments, shall occupy, march or proceed along any street except in accordance with a permit issued by the director of public safety and such other regulations as are set forth herein which may apply.
- (b) *Driving through prohibited.* No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated.

**Sec. 10-32. Limitation on turning around.**

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in the business district of the city and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

**Sec. 10-33. Driving through safety zones, private driveways filling stations, etc.**

- (a) No vehicle shall at any time be driven through or within a safety zone.

- (b) No vehicle shall at any time be driven through or across any private driveway or filling station premises for the purpose of avoiding any traffic-control device.

**Sec. 10-34. Careless operation of motor vehicles prohibited.**

No person shall operate any motor vehicle without care and caution and full regard for the safety of persons and property. Any person failing to do so shall be guilty of careless driving. The operation of any vehicle when the same or any of its parts are not in proper or safe condition shall be prima facie evidence of careless driving. Speeding, failure to obey a traffic control device or other acts of careless operation of a motor vehicle as described by state law shall be prima facie evidence of a violation of this section.

**Secs. 10-35--10-55. Reserved.**

**ARTICLE III. STOPPING, STANDING AND PARKING\***

**DIVISION 1. GENERALLY**

**Sec. 10-56. Parking prohibited in certain places.**

- (a) No person shall stop, stand or park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations or traffic signs or signals of a public safety officer.
- (b) No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic.

**Sec. 10-57. Bus and taxicab stands.**

- (a) The driver of a bus, hackney or taxicab shall not stand or park upon any street in any business district at any place other than at a bus stop, hackney stand or taxicab stand, respectively, except that this provision shall not prevent the driver of any such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.
- (b) No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a hackney in a hackney stand, or other than a taxicab in a taxicab stand, when any

such stop or stand has been officially designated and appropriately signed except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus, hackney or taxicab waiting to enter or about to enter such zone.

**Sec. 10-58. Parking for display, repairs, etc.**

No person shall stand or park a vehicle upon any roadway for the principal purpose of:

- (1) Displaying it for sale;
- (2) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

**Sec. 10-59. Handicapped parking violations.**

- (a) It is unlawful to park any vehicle in a parking place designated for a handicapped person unless the vehicle bears the distinguished license plate or placard provided by the State of South Carolina or any other state for handicapped persons. This provision shall apply to all designated handicapped parking places on public and private property including streets, parking facilities in the city, shopping centers, business and commercial establishments which provide parking spaces designated for handicapped persons.
- (b) The provisions of South Carolina law including but not limited to Title 56, Chapter 3 are incorporated herein.
- (c) Certified Volunteer Program. Persons who are both handicapped and certified by the director of public safety of the City of Spartanburg as a certified "Handicapped Enforcement Specialist Volunteer" of the City of Spartanburg is herein authorized to enforce the provisions of this section.
  - (1) Whenever a person authorized under the jurisdiction of the Handicapped Enforcement Specialty program of the City of Spartanburg shall observe any motor vehicle in violation of this ordinance or South Carolina law with respect to handicapped parking violations, such person shall have the authority to attach to such vehicle a parking ticket which shall be directed to the owner of such vehicle and shall set forth the nature of the violation. Any such citation shall be treated in the same manner as the citation issued by any public safety employee of the City of Spartanburg.
  - (2) Any person, firm or corporation violating the provisions of this section upon conviction shall be

fined not less than five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days.

**Sec. 10-60. Owner responsible for illegal parking.**

No person shall allow or permit any vehicle registered in his name to stand or park in any street in the city in violation of any of the ordinances of the city regulating the standing or parking of vehicles.

**Sec. 10-61. Loading zones.**

It shall be unlawful for any person to park any vehicle in any area designated and marked as a loading zone between the hours of 7:00 a.m. and 6:00 p.m. on any day except Sundays.

**Sec. 10-62. Parking of vehicles in the city.**

- (a) *Parking of commercial vehicles and buses in residential district prohibited.*
- (1) No person shall park, store, or knowingly permit any other person to park or store a commercial vehicle on any street, road or right-of-way within the city in a residential district or on any residential lot at any time of day or night.
  - (2) A commercial vehicle includes a vehicle that is (a) a tractor-trailer; or (b) a cab or tractor without trailer; or (c) transports sixteen (16) or more passengers; or (d) used to transport hazardous materials; or (e) having more than six (6) tires and which bears any sign or marketing which advertises or identifies any business or commercial interest. The above restrictions shall not apply to private or public school buses.
  - (3) Moving or delivery vans being loaded or unloaded for a period not to exceed forty-eight (48) hours are exempt from this section without a permit but periods in excess of forty-eight (48) hours will require a permit from the city building official.
  - (4) Trailers used in construction, renovations or improvement activities shall be allowed on the construction site with a permit issued by the city building official.
- (b) *Parking of trucks over three-quarters ton on city streets.* No truck exceeding three-quarters ton in capacity shall park on any street within the city limits between the hours of 6:00 p.m. and 6:00 a.m.; provided, however, that the



operator of such truck may park for the purpose of eating and other personal needs for a period not exceeding one (1) hour. No such truck shall park on any street within the city limits between the hours of 6:00 a.m. and 6:00 p.m. except for the purposes of loading and unloading and no such truck shall be permitted to remain parked.

Subsection (b) is subject to subsection (a) above and in the event of conflict, subsection (a) above controls.

**Sec. 10-63. Commercial, etc., parking lots to have dustproof and waterproof hard surface.**

All commercial parking lots, bus or trucking terminal lots and lots used in connection with the operation of drive-in restaurants shall be paved with a dustproof and waterproof hard surface, meeting the requirements of the city, and such paving shall be maintained for so long as such use continues; provided, that this section shall not apply to lots used temporarily for such purposes.

**Sec. 10-64. Maintenance of parking lots.**

All public parking lots and entrances, including commercial parking lots, trucking terminals, used car lots, drive-in restaurants, garages or any lots used in connection with office buildings or any other business shall be kept and maintained so as not to allow any dirt, gravel, debris or refuse whatsoever to be blown, washed, carried or transmitted in any way from such lot onto or across public sidewalks or public streets.

**Sec. 10-65. Cruising.**

- (a) No person shall drive or permit a motor vehicle under his care, custody or control to be driven past a traffic control point three (3) times within a two-hour period after 7:00 p.m. Monday through Friday or before 6:00 a.m. on such days and after 12:00 noon on Saturdays, Sundays and holidays or before 6:00 a.m. on such days in or around a posted no cruising area so as to contribute to traffic congestion, obstruction of streets, sidewalks, or parking lots, impediment of access to shopping centers or other buildings open to the public, or interference with the use of property or conduct of business in the area adjacent thereto.
- (b) At every point where a public street becomes or provides ingress to a no cruising area, there shall be posted a sign which designates "no cruising" areas.
- (c) The definition of a "no cruising area" is as follows: An area designated "No Cruising," wherein no person shall drive or permit a motor vehicle under his care, custody, or

control to be driven past a traffic control point three (3) times within a two-hour period in or around this area so as to contribute to traffic congestion, obstruction of streets, sidewalks, or parking lots, impediment of access to shopping centers or other buildings open to the public, or interference with the use of property or conduct of business in the adjacent area.

The city manager shall designate such areas.

- (d) A traffic control point as used in this section means any point or points within the no cruising area established by the public safety department for the purpose of monitoring cruising.
- (e) No violation shall occur except upon the third passage by the same traffic control point within the aforementioned two-hour period.
- (f) A violation of this section shall be subject to penalty in accordance with section 11-5 of this Code.
- (g) This section shall not apply to in-service emergency vehicles, taxicabs for hire, buses and other vehicles being driven for business purposes.

**Sec. 10-66. Parking prohibited in fire lanes or fire zones.**

It shall be unlawful to park in spaces reserved as fire lanes or fire zones within the City of Spartanburg. It shall be unlawful for drivers of unauthorized vehicles to park in spaces which are designated as fire lanes or fire zones and are so marked, whether such spaces are located on public roads or streets or on private property which is used as a public parking lot and is posted in accordance with Section 23-1-15, S.C. Code Ann.

Penalties for violations. Any person who violates this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than two hundred dollars (\$200.00) or imprisoned for not more than thirty (30) days. Any unpaid fine or portion of unpaid fine shall attach to the motor vehicle tax of the registered owner of vehicle in violation

**Secs. 10-67--10-85. Reserved.**

**DIVISION 2. PARKING METERS**

**Sec. 10-86. Authority of city manager.**

The city manager or his designated representative is hereby authorized and empowered to designate and lay off parking spaces and zones and to establish and remove parking meter zones for on- and off-street parking where necessary for the regulation of parking.

**Sec. 10-87. Article applicable only to parking between certain hours.**

The provisions of this article shall not apply before 8:00 a.m. or after 5:00 p.m. and shall not apply on Saturdays and Sundays.

**Sec. 10-88. Cumulative effect of division.**

The provisions of this division shall be cumulative to and not in lieu of present ordinances regulating the parking of vehicles.

**Sec. 10-89. Marking parking spaces adjacent to meters; manner of parking.**

On streets designated as within the parking meter zones, there shall be parking spaces approximately twenty (20) feet in length where the parking meter zone is parallel with the adjacent curb or sidewalk, and approximately twelve (12) feet in length where the parking meter zone is diagonal to the adjacent curb or sidewalk, marked by lines on the curb, pavement or street, or by other appropriate markings. On the sidewalk adjacent to each curb parking space there shall be erected a parking meter. Each vehicle parked alongside of or next to any parking meter shall park within the lines or markings so established and it shall be unlawful to park any vehicle across any such line or marking, or to park any vehicle in such position that the same shall not be entirely within the area so designated by such lines or markings.

**Sec. 10-90. How parking meter and space to be used; overtime parking.**

When any vehicle shall be parked in any space alongside of or next to which a parking meter is located, in accordance with the provisions of this division, the owner or operator of the vehicle shall, upon entering such parking space during the time of limited parking, immediately deposit the required United States coin in the parking meter alongside of or next to the parking space. Failure to deposit such coin shall constitute a violation of this article. It is hereby declared unlawful to park in any of the zones described in section 10-86 except opposite a parking meter. If the vehicle shall remain parked in such parking space beyond the parking time limit permitted by the coin deposited in such parking meter, the parking meter shall display a sign or signal showing illegal parking, and in that event such vehicle shall be considered as parked overtime, and beyond the period of legal parking time, and the parking of a vehicle where any such meter showing illegal parking is located shall be unlawful and a violation of this division.

**Sec. 10-91. Maximum legal parking time.**

The maximum legal parking time opposite any particular meter shall be the maximum time as directed on the meter.

**Sec. 10-92. Authority of city manager to enter into agreement for removal of meters.**

The city manager is authorized to enter into a written agreement with any person conducting a business which fronts on a street on which parking meters are installed for the purpose of removing the meters upon the payment of a monthly fee by such person. The fee shall be determined on the basis of the average income from the parking space or spaces from which parking meters are removed over a given period as determined by the city manager. Where such meters are removed, the parking places shall be public parking places with a one-hour maximum parking time limit and shall be posted accordingly.

**Sec. 10-93. Deposit of coin for purpose of extending maximum time prohibited.**

It shall be unlawful and a violation of the provisions of this article for any person to deposit or cause to be deposited in the parking meter any coin for the purpose of increasing or extending the parking time of any vehicle beyond the maximum legal parking time which has been established for the parking space adjacent to which the parking meter is placed.

**Sec. 10-94. Use of slugs, etc., in meters.**

It shall be unlawful to deposit or cause to be deposited in any parking meter any slug, device or metallic substitute for any coin of the United States.

**Sec. 10-95. Injury to or tampering with meters.**

It shall be unlawful for any person to deface, injure, tamper with, damage, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this division.

**Sec. 10-96. Penalties for violations.**

- (a) Any person violating any of the provisions of sections 10-89 through 10-93 shall, upon conviction thereof, forfeiture of bond, failure to appear or a plea of guilty, be subject to a fine which shall be established from time to time by the council.
- (b) Any person violating any of the provisions of sections 10-94 and 10-95 shall, upon conviction, be punished in accordance with section 1-11.
- (c) (1) It shall be unlawful for any person to intentionally or willfully erase, remove or obliterate any marks or symbols placed upon any motor vehicle by a public safety officer or other person charged with enforcement of parking Ordinances pursuant to their duties.

(2) It shall be unlawful for any person to intentionally or willfully move the position of a parked vehicle for the purpose of parking in a parking zone limited to a specific time beyond the specified limit.

(3) Any vehicle that remains parked beyond the parking time limit permitted shall be considered as being parked overtime. Each time period is a separate and subsequent violation.

**Secs. 10-97--10-120. Reserved.**

**Section 10-97 added per Ordinance dated 12/10/01 to read as follows:**

"The City Manager may designate persons to enforce the various provisions relative to parking violations of this Ordinance and to cite owners and operators of vehicles parked in violations of the provisions of the Ordinances of the City. Such violations subject the offender to penalties stated in the notice."

**DIVISION 3. IMPOUNDMENT OF ABANDONED, WRECKED OR ILLEGALLY PARKED VEHICLES**

**Sec. 10-121. Removal from streets; towing charges.**

Whenever a public safety officer finds a motor, or other vehicle, that has been abandoned or wrecked upon the public streets or ways of the city, or that has been parked in violation of a city ordinance, such officer may, with the approval of the director of public safety have such vehicle removed by any wrecker service on the approved list and the same shall be held until claimed by the legal owner or is otherwise disposed of, as provided by this division, or other applicable law.

**Sec. 10-122. Notification to owner.**

It shall be the duty of the investigating official to advise the owner of such vehicle, and if such vehicle shall be a motor vehicle, the owner shall be construed to be the registered owner thereof as shown by the records of the state of its registration at such owner's last-known address, within seventy-two (72) hours, by registered mail, of the fact that such vehicle has been impounded, setting forth the reasons for such impounding.

**Sec. 10-123. Storage charges.**

Storage charges for impounded vehicles shall be a minimum of three dollars (\$3.00) per day if retained over five (5) hours, a weekly charge of fifteen dollars (\$15.00) and a monthly charge of sixty dollars (\$60.00).

**Sec. 10-124. Release of vehicle to owner.**

No impounded vehicle shall be released until all towing and storage charges have been paid to the wrecker service and proper evidence of ownership exhibited.

**Sec. 10-125. Payment of charges under protest; return of charges when owner found not guilty.**

Should any owner of an impounded vehicle pay the charges provided in this division under protest and he is found to be not guilty of the violation of any traffic law of the city, such person shall be refunded the money paid "under protest" without interest.

**Sec. 10-126. Sale of unclaimed vehicles; disposition of proceeds.**

If at the expiration of thirty (30) days from the date of the impounding of a vehicle, the rightful owner thereof has not claimed the same and paid the charges herein provided, the director of public safety shall advertise and sell such vehicle, after due notice published in a local newspaper once a week for three (3) weeks, to be sold for the towing, storage and advertising charges thereon, and any money received from the sale over and above the amount due for such charges shall be placed in an escrow account to be held for the rightful owner of such vehicle until proper evidences submitted by the person entitled thereto.

**Secs. 10-127--10-150. Reserved.**

**DIVISION 4. USE OF IMMOBILIZING DEVICES**

**Sec. 10-151. Authorized.**

When a motor vehicle has accumulated five (5) or more outstanding parking bails or fines, fifteen (15) days after notice by certified mail to the owner of the motor vehicle, that motor vehicle parked upon the public streets at any time may be immobilized by the installation of a boot or device designed to restrict the normal movement of the vehicle.

**Sec. 10-152. Warning of immobilization; notice to owner of unsettled violations.**

Upon immobilization of such motor vehicle, a notice sufficient to warn any individual that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage to such vehicle will be placed on the vehicle.

**Sec. 10-153. Method to secure release of vehicle.**

The owner of an immobilized vehicle, or other authorized person, shall be permitted to secure release of the vehicle upon:

- (1) Payment of all outstanding fines and booting charge; or
- (2) Payment of all outstanding fines for that vehicle and deposit of an amount equal to the booting charge; and
- (3) Payment of the fees as required by Section 10-156.

**Sec. 10-154. Hearing to determine validity of immobilization.**

Upon payment of the booting deposit, the owner of an immobilized vehicle, or other authorized person, shall have the right to a post-immobilization hearing to determine the validity of such immobilization. Such hearing must be requested at the time the deposit is made pursuant to section 10-153(2) for the immobilized vehicle and shall be conducted by a judge of the municipal court. The post-immobilization hearing will not be determinative of or adjudicate any citation issued relative to any immobilized vehicle.

**Sec. 10-155. Towing or impoundment of immobilized vehicle upon owner's failure to secure release.**

The immobilizing device or mechanism shall remain in place for twenty-four (24) hours unless the owner has complied with section 10-153. If such compliance has not occurred within twenty-four (24) hours, the vehicle shall be towed or impounded. Towing and storage fees as provided in this division shall be paid in addition to any outstanding fines or bonds before the owner of such vehicle shall be permitted to repossess or secure the release of the vehicle.

**Sec. 10-156. Immobilization fee; towing and impoundment charges.**

The owner of an immobilized vehicle shall be subject to a fee of one-hundred dollars (\$100.00) for such immobilization. In addition, the owner of an immobilized vehicle which is impounded shall pay such towing and storage charges as may be incurred in connection therewith.

**Secs. 10-157--10-175. Reserved.**

**DIVISION 5. MUNICIPAL PARKING LOTS**

**Sec. 10-176. City manager authorized to establish.**

The City Manager is hereby authorized to establish and designate municipal parking lots in the City. The City

Manager may also contract or agree with other governmental entities, not for profit corporations, businesses or private individuals for the use of other property for parking lots and under those circumstances, such properties will be considered as a municipal parking lot within the purview of these provisions.

**Sec. 10-177. Twenty-four-hour parking limit.**

It shall be unlawful for any person to park, store or leave any vehicle or any part thereof upon any parking lot maintained by the city for any continuous period of time in excess of twenty-four (24) hours, or knowingly permit the same to be done.

**Sec. 10-178. Use restricted to parking; exception.**

- (a) It shall be unlawful for any person to drive, operate or place any vehicle upon any municipal parking lot except for the purpose of parking the same, or to knowingly permit the lot to be used for a purpose other than parking.
- (b) Parking lots owned and operated by the city shall be used only for the purpose of parking motor vehicles thereon and walking to and from parked motor vehicles. It shall be unlawful for any person to use the parking lots of the city for the purpose of drinking beer, wine or other alcoholic liquors, for sleeping, eating, picnicking, gambling or for any other purpose not directly connected or associated with the use of the parking lots for the parking of motor vehicles; provided, however, this section will not apply to organized activities approved by the city manager.

**Sec. 10-179. Lights required for night driving.**

It shall be unlawful for any person to drive or operate any vehicle upon any municipal parking lot at night without lights as required by the laws of the state for operation at night on public thoroughfares and highways.

**Sec. 10-180. Speed limit.**

It shall be unlawful for any person to drive or operate any vehicle upon any municipal parking lot, in any event, at a speed greater than ten (10) miles per hour, or at a speed greater than will permit the driver to exercise proper control of the vehicle and to decrease speed or to stop as may be necessary to avoid colliding with any person, vehicle or other conveyance.

**Sec. 10-181. Throwing glass, debris, etc., on lot prohibited.**



It shall be unlawful for any person to throw, leave or place upon any municipal parking lot any glass, debris, junk, refuse, metal, trash or other material.

**Sec. 10-182. Rubber tires required on vehicles; weight and length limits.**

It shall be unlawful for any person to drive, operate or place upon any municipal parking lot any vehicle having other than rubber tires or having a greater weighted capacity than two (2) tons or having an overall length of more than eighteen (18) feet.

**Sec. 10-183. Obedience to markings, lines, signs, etc.**

All vehicles using any municipal parking lot shall be parked in accordance with such markings, lines, signs and regulations as are shown, placed or posted within any such parking area by the city.

**Sec. 10-184. Parking meters.**

In any municipal parking lot where parking meters are in use, any person parking or placing any vehicle upon any such parking lot shall deposit or cause to be deposited the required United States coin in the parking meter adjacent to the space where such vehicle is parked or placed, and the parking or placing of any vehicle in a parking space at which space the parking meter adjacent thereto does not display a device or signal showing legal parking, shall constitute a prima facie presumption that such vehicle has been parked, or allowed to stand in such space for a period longer than permitted.

**Sec. 10-185. Payment of parking charge to attendant.**

In any municipal parking lot where attendants are on duty, any person parking or placing any vehicle upon any such parking lot shall pay to the attendant such rates or charges as are posted within any such parking area by the city.

**Sec. 10-186. Reserved.**

**Sec. 10-187. Penalty for violations.**

Any person violating any of the provisions of this division or of the regulations posted pursuant to this division shall be punished in accordance with section 1-11.

**Sec. 10-188. Cycling and skateboarding in municipal parking facilities prohibited.**

- (a) No person shall use, operate, drive, occupy or ride any type of cycle, bicycle, tricycle, skateboard or similar wheeled equipment in any municipal-owned parking lot or parking structure.
- (b) Violations will be subject to the penalty described in section 10-187 hereinabove.

#### **DIVISION 6. FINES**

##### **Sec. 10-189. Fines**

All municipal parking violations established under this Article shall be subject to civil fines only, and not subject to criminal penalties, except as otherwise mandated by the general law of the state. Enforcement and administration shall be pursuant to such written policies and procedures as are approved by the City Manager for that purpose, inclusive of the amount of such fines, which shall be approved in reasonable amounts and incorporated into a schedule of fees which will be included in the budget annually.

#### **ARTICLE IV. PEDESTRIANS**

##### **Sec. 10-211. Hitchhiking prohibited.**

No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle.

##### **Sec. 10-212. Runners, joggers to wear reflective clothing or devices.**

- (a) *Required.* No person shall run or jog in any public street or highway open to motor vehicle traffic during the time from one-half hour after sunset to one-half hour before sunrise, or at any other time when there is not sufficient natural light to render discernible persons, vehicles and substantial objects on the street or highway at a distance of five hundred (500) feet ahead, unless such person is wearing reflective clothing or a reflective device. The reflective clothing or reflective device shall be worn on the person and be of sufficient size and reflective capacity to be seen at a distance of not less than five hundred (500) feet to the person's front and rear when illuminated by two (2) standard automobile headlights operating at the lawful lower beam setting.

For the purposes of this section, the public street or highway shall not include the sidewalk or crosswalk.

- (b) *Penalty.* A violation of this section shall constitute a misdemeanor, punished upon conviction by a fine of not more than one hundred dollars (\$100.00) or by imprisonment not

exceeding thirty (30) days. Each day of violation will constitute a separate offense.

**Secs. 10-213--10-230. Reserved.**

**ARTICLE V. RAILROAD**

**Sec. 10-231. Speed of engines.**

It shall be unlawful for any railroad engine to be run within the corporate limits of the city at a greater rate of speed than thirty-five (35) miles per hour.

**Sec. 10-232. Obstructing streets.**

No engine, or cars, or train of cars shall obstruct any of the streets of the city by remaining thereon for a longer period of than five (5) minutes.

**Secs. 10-233--10-240. Reserved.**

**ARTICLE VI. MISCELLANEOUS**

**Sec. 10-241. Skating prohibited in central business district.**

No person shall use, operate, occupy or ride roller skates, in-line skates, skate boards or other similar wheeled devices in the Central Business District as defined by the Zoning Ordinance for the City of Spartanburg on public property or private property opened to the public or use any other wheeled apparatus that damages brick, masonry or wooden surfaces.