



TITLE: AN ORDINANCE REFORMING PARKING REGULATIONS ON COUNTY-OWNED PROPERTY - CHAPTER 16 OF THE GASTON COUNTY CODE OF ORDINANCES

WHEREAS, Under the provisions of North Carolina General Statute § 153A-170, a county may by ordinance regulate the parking of motor vehicles on county-owned property; and,

WHEREAS, N.C.G.S. § 153A-123 authorizes the County to enforce its ordinances by appropriate fines and penalties; and,

WHEREAS, the Board of Commissioners of Gaston County finds it necessary to regulate parking to ensure public access to County facilities, maintain safety, and ensure the orderly conduct of County business.

NOW, THEREFORE, BE IT ORDAINED by the Gaston County Board of Commissioners that the Code of Ordinances, Gaston County, North Carolina is amended as follows:

SECTION 1. REPEAL OF LEGACY PARKING REGULATIONS ON COUNTY-OWNED PROPERTY.

Article I and Article II of Chapter 16 of the Gaston County Code of Ordinances are repealed.

SEC. 2. REVISED PARKING REGULATIONS ON COUNTY-OWNED PROPERTY.

Chapter 16 is amended by adding the following new Article I:

ARTICLE I. – PARKING REGULATIONS ON COUNTY-OWNED PROPERTY

SECTION 16-1. DEFINITIONS.

For the purpose of this Article, the following definitions shall apply:

- (1) County Property: Any lot, garage, grounds, or other facility owned, leased, or controlled by Gaston County and designated for the parking of vehicles.
- (2) Park or Parking: The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading passengers or property.
- (3) Vehicle: Any device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power.
- (4) Authorized Vehicle: A vehicle owned or leased by Gaston County, or a private vehicle authorized by the County Manager or their designee to park in restricted areas.

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I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

SECTION 16-2. GENERAL PARKING REGULATIONS.

- (a) Designated Spaces. No person may park a vehicle in any area of County Property other than within the lines or markings of a designated individual parking space.
- (b) Time Limits. Where signs are erected giving notice thereof, no person may park a vehicle for a period longer than the time indicated on such signs.
- (c) Reserved Parking. No person may park a vehicle in any space marked as "Reserved" or otherwise designated for specific personnel or authorized vehicles, unless so authorized.
- (d) Blocking Traffic. No person may park a vehicle in a manner that obstructs the free flow of traffic, blocks a driveway or entrance, or interferes with the movement of emergency vehicles.
- (e) Overnight Parking. Unless otherwise posted or authorized by the County Manager, overnight parking (defined as parking between the hours of 11:00 PM and 6:00 AM) is prohibited on County Property, except for the following:
 - (1) County-owned vehicles.
 - (2) Personal vehicles of employees while on duty.
 - (3) Vehicles conducting official county business.
- (f) Metered Parking. In any area designated as a metered parking zone (whether controlled by single-space meters, multi-space kiosks, or mobile payment applications), it shall be unlawful to—
 - (1) Park a vehicle without making the required payment for space occupied;
 - (2) Allow a vehicle to remain parked in any metered space for a period longer than the time for which payment has been made (expired meter); or
 - (3) Remain parked beyond the maximum time limit posted for that metered zone, regardless of additional payment.
- (g) Junked Vehicles. No person may park a vehicle that is unregistered, inoperable, or junked on County Property without permission from the County Manager.

SECTION 16-3. ENFORCEMENT.

- (a) Infraction.
 - (1) In General. Violation of this Article is punishable as an infraction, as provided in N.C.G.S. §14-4(b).
 - (2) Penalty. The maximum penalty for each infraction is \$50.00.
 - (3) Citation. Citations for infractions issued under this Article shall be served in accordance with N.C.G.S. § 15A-302.
- (b) Civil Penalty.
 - (1) In General. Violations of this Article are also punishable by issuance of a civil penalty as authorized by N.C.G.S. § 153A-123(c).
 - (2) Penalties. Penalties assessed under paragraph (1) shall be in amounts established in the County's adopted fee schedule in effect at the time of the violation.
 - (3) Citations.

- (A) Content. A citation issued under this subsection must include the location of the violation, nature of the violation, amount of the penalty, instructions for appeal, and instructions for payment.
 - (B) Authorized Officials. Law enforcement officers, security personnel, or other designees authorized by the County Manager may issue citations under this subsection.
 - (C) Method. A citation issued under this subsection may be served by one of the following methods:
 - 1. Attaching a citation notice to a vehicle found in violation.
 - 2. Mailing a citation notice to the registered owner of the vehicle found in violation.
 - 3. Personally delivering the citation to the driver of a vehicle found in violation.
 - (D) Civil Action. The County may recover unpaid penalties via a civil action in the nature of debt.
 - (4) Non-Payment. Failure to pay a civil penalty issued under this subsection shall be punishable as an infraction in accordance with subsection (a).
 - (5) Appeal. Any person issued a citation under this Article may appeal in writing to the Gaston County Manager or their designee within 10 days of the citation date. The decision of the County Manager or designee shall be final regarding the administrative civil penalty.
- (c) Towing and Removal.
- (1) Authority. Pursuant to N.C.G.S. § 153A-170, any vehicle parked in violation of this Article may be removed from County Property to a storage area or garage.
 - (2) Conditions for Release. The owner of a vehicle so removed shall be responsible for all reasonable costs incidental to the removal and storage of the vehicle. Possession of the vehicle shall not be restored until—
 - (A) All outstanding towing and storage fees are paid to the towing contractor; and
 - (B) All outstanding civil penalties owed to Gaston County for the violation are satisfied.
- (d) Continuing Penalties. Each day that a violation of this Article continues shall constitute a separate and distinct offense, and a separate civil penalty or infraction may be imposed for each such day.
- (e) Responsibility of Registered Owner.
- (1) In General. There shall be a rebuttable presumption that the registered owner of a vehicle found in violation of this Article is responsible for the violation and is thus liable for all penalties and costs resulting from said violation.
 - (2) Rebuttal. The registered owner may rebut the presumption made in paragraph (1) by, within 30 days of actual notification of the issuance of a civil penalty, providing sworn evidence that is clear and convincing that the vehicle was, at the time of the violation, leased or rented to another person, along with the name, address, and phone number of the person who leased or rented the vehicle. If rebutted, the person who leased or rented the vehicle shall be held responsible for the violation.

SEC. 16-4. RELATIONSHIP TO OTHER LAWS.

- (a) Conflict with Specific Regulations. If any provision of this Article conflicts with a more specific ordinance, rule, or regulation adopted by the Board of Commissioners applicable to a specific County Property, parking facility, or class of vehicles, the more specific provision shall control.
- (b) Non-Exclusivity. Nothing in this Article shall be construed to prevent the enforcement of any other valid state law or local ordinance regulating traffic, parking, or public safety, including but not limited to North Carolina General Statutes regarding fire lanes, handicapped parking, and vehicle registration. This Article is intended to be cumulative to such other laws.

SEC. 3. INTERIM CIVIL PENALTY AMOUNTS.

Until such time as the amounts of civil penalties are adopted in the County's Fee Schedule pursuant to Gaston County Code of Ordinances § 16-3(b)(2), the civil penalty for a violation shall be \$25.00. Such penalty shall increase to \$50.00 if not paid within 15 calendar days after issuance of the original penalty.

SEC. 4. EFFECTIVE DATE.

This Ordinance shall be effective upon adoption.

Date of Adoption: _____

Chad Brown, Chairman
Gaston County Board of Commissioners

ATTEST:

Donna S. Buff, Clerk to the Board

Certification

I, Donna S. Buff, Clerk to the Gaston County Board of Commissioners, do hereby certify that the above, as filed with the Clerk to the Board, is a true and accurate copy of the Ordinance amendment entitled **AN ORDINANCE REFORMING PARKING REGULATIONS ON COUNTY-OWNED PROPERTY - CHAPTER 16 OF THE GASTON COUNTY CODE OF ORDINANCES** as adopted by the Gaston County Board of Commissioners on _____, 2026 and is to be set forth in the Gaston County Code of Ordinance upon adoption.

Donna S. Buff, Clerk to the Board

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