

**AN ORDINANCE AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES TO REGULATE USE OF PARKS BY CYCLISTS (2020-10-28/R-X)**

Section 2. Article I, Chapter 12 of the Town Code is hereby revised to read as follows:

**ARTICLE I. - IN GENERAL**

Sec. 12-1. - Opening and closing hours of town parks; remaining in parks after closing.

The town manager shall have the authority to establish opening and closing hours for all town parks and parks and recreation facilities. The opening and closing hours shall be posted in a conspicuous location at each park and parks and recreation department facility.

Upon complaint by any person or town police or public safety officer or town parks and recreation department employee, any person upon any town park after the park has closed may be asked to leave, unless that person is participating in a town sponsored program or has obtained, from the director of parks and recreation, written permission to remain on the site. It shall be unlawful to remain upon the park during the time the park is closed (after being asked to leave by any police officer or employee of the town parks and recreation department).

Sec. 12-2. - Compliance with regulations; enforcement.

The regulations set out in section 12-3 shall apply in all parks, greenways, open spaces, entranceways, playgrounds, recreation and community centers, facilities temporarily leased by the town for parks and recreation purposes, swimming areas and facilities (collectively "park" or "parks") owned or controlled by the town, whether within or outside the town limits. These regulations and other provisions of this article may be enforced by any law enforcement officer within the officer's appropriate territorial and subject matter jurisdiction or by the parks and recreation director, or by any parks and recreation department employee so designated and empowered by the parks and recreation director.

Sec. 12-3. - Rules and regulations for town parks.

- (a) No person shall willfully mark, deface, disfigure, injure, tamper with, or without the authorization of the town, displace or remove any structure, equipment, facility, or any other real or personal property, that is the property of or under the control of the parks and recreation department.
- (b) No person shall willfully damage, cut, carve, transplant or remove any tree, shrub, bush or plant within any park except in maintenance or other activity under the direction of the town.
- (c) No person shall willfully disturb, harass, capture, harm, molest, or injure any wild animal or its habitat within any park except in maintenance or other activity under the direction of the town.
- (d) No person shall drive, park or ride any motorized vehicle or moped in any park except in areas so marked, signed or designated for motorized vehicular traffic and except in maintenance or other activity under the direction of the town and by persons requiring the use of motorized wheelchairs.
- (d.1) No person shall park or leave standing a vehicle of any kind within the Cedar Falls Park for a period of time in excess of three (3) hours, between 8:30 a.m. and 3:30 p.m., Monday through Friday, during normal operating school sessions.
- (e) No person shall drive, park, or ride nonmotorized vehicles in any park, greenway, entranceway, or open space signed for the exclusion of nonmotorized vehicles except in maintenance or other activities under the direction of the town and by persons requiring the use of nonmotorized wheelchairs.
- (f) No pedestrian, or person utilizing a nonmotorized vehicle, on trails and roads located within parks, greenways, entranceways, or open space shall act in a manner that endangers other users. The

following shall be prohibited by all park users:

- (1) Passing pedestrian or nonmotorized vehicle users on the right.
  - (2) Traveling left of the centerline of the trail.
  - (3) Failing to control nonmotorized vehicles.
  - (4) Using public trails under the influence of illegal drugs or alcohol.
  - (5) Failing to signal with voice, bell, or horn prior to passing pedestrian or nonmotorized vehicle users.
  - (6) Exceeding posted speed limits.
  - (7) Acting in a manner which causes more than fifty (50) percent of a trail, path or road to be blocked.
  - (8) Failing to yield the right-of-way when crossing trails, bike paths, or roads.
  - (9) Using public paths or greenway trails to gain unlawful or uninvited access to private property.
- (g) All persons operating a bicycle on a public trail within the town shall wear a protective helmet on his or her head, with the chin strap fastened under the chin. Said helmet shall be fitted to the size of the operator and shall meet or exceed the ANSI (American National Standards Institute) Z90.4 or subsequent bicycle helmet standards, or the Snell Memorial Foundation's 1984 Standard for Protective Headgear for Use in Bicycling or subsequent standards.
- (h) No person shall dump, deposit, leave or place trash, rubbish, garbage, ashes, wastes, broken glass or other rubbish within any park, greenway, entranceway, or open space except in garbage, trash, recycling or other property receptacles provided for the purpose. No person shall dispose of household garbage or rubbish within any park.
- (i) No person shall camp or stay overnight in any park, except with written permission from the parks and recreation director.
- (j) Except for authorized personnel or agents of the parks and recreation department or law enforcement personnel, no person shall enter any park or remain in any park during the hours the park is closed to the public as set out in section 12-1 above.
- (k) (1) Except as otherwise specifically prohibited by this chapter, dogs, cats, and other pets, excluding horses, livestock and animals not commonly domesticated, are allowed within the parks. All animals are subject to the town animal control ordinance.
- (2) Dogs, except service animals, are not permitted, whether on or off leash, within fences and/or other boundaries that identify any developed, improved playing fields in any parks.
- (3) Dogs brought within parks, open space, and greenways must be restrained at all times by a leash that is no longer than six (6) feet in length.
- (l) No person shall solicit, peddle or beg within any park, or sell any merchandise or wares. This subsection shall not apply to:
- (i) any concession franchise granted by the parks and recreation department for a park; or
  - (ii) any solicitation or sale of goods by nonprofit or civic groups, provided that written permission is obtained in advance from the parks and recreation director or the director's designee.
- (m) No person shall openly carry or use any firearm or other dangerous weapon within any town owned park, greenway or open space area.
- (n) Except as authorized and permitted by resolution of the town council adopted pursuant to section 3-

5 of this Code, no person shall use, consume or possess any alcoholic beverages, beer or wine within any park. No person shall use, consume or possess any narcotic drug or hallucinogen or any other controlled substance within any park without a valid physician's prescription for the substance.

- (o) All persons in any park shall obey all posted regulations, signs and directions.
- (p) No person shall swim or boat in parks except in waters and in areas designated for such purpose or purposes by the parks and recreation department.
- (q) No person shall engage, either verbally or physically, in any loud, disruptive or offensive conduct, or engage in any activity or sport in a manner which threatens the safety or welfare of other patrons of the park, or which unreasonably impairs the public's opportunity to use and enjoy the park.
- (r) All persons using or present in the vicinity of swimming pools or other water areas shall obey oral instructions from pool staff members, posted regulations and notices relating to conduct of patrons, safety requirements, and health and hygiene requirements.
- (s) Participants in organized league sports shall obey the special rules and regulations relating to such activities in the park as prescribed by the parks and recreation department.
- (t) No person other than parks and recreation department personnel acting within the scope of their employment shall, without the permission of the town, place, maintain or erect any sign, poster, notice or advertising device within any park.
- (u) No person, except those persons requiring the use of an assistance animal, as defined in North Carolina State Statute 14-163.1, or receiving written permission from the director of the parks and recreation department, shall bring any animal onto public sidewalks and streets which have been closed by the town council for the purpose of holding street fairs, races, or other community events. All animals are subject to the town animal control ordinance.
- (v) Any person shall immediately leave park premises after being requested or directed to leave by the parks and recreation director or the director's designee. The parks and recreation director or director's designee shall make such a request only upon a reasonable belief that the person has violated the provisions of this section. Any person leaving or removed from the park shall not re-enter the park unless he or she obeys all regulations governing use of the park.
- (w) Parking facilities owned or operated by the town for the purpose of providing public access to parks and trails shall be restricted to park and trail users only, if the parking facility is so signed. No vehicle shall be parked without authorization in a space designated as reserved for park use only (by a sign at the space or at the entrance to the off-street parking facility) except for the purpose for which the space is reserved. A vehicle parked in violation of this subsection may be removed pursuant to procedures in the Chapel Hill Code of Ordinances and may be recovered only upon payment of towing and storage charges; and violations shall be subject to civil penalty as provided in section 12-4 of the Town Code.
- (x) All users of a town owned skateboard park shall wear a helmet, elbow pads, and knee pads.

(Ord. No. O-85-52, § 2, 8-26-85; Ord. No. 93-7-6/O-6; Ord. No. 96-6-10/O-1; Ord. No. 97-6-23/O-5, § I, 6-23-97; Ord. No. 97-11-24/O-1, 11-24-97; Ord. No. 99-5-24/O-2, § 2; Ord. No. 2000-10-23/O-3, § 1; Ord. No. 2005-05-09/O-4, § 3; Ord. No. 2009-06-22/O-10, § 3; Ord. No. 2010-12-6/O-7, § 1; Ord. No. 2011-11-09/O-1, § 2; Ord. No. 2013-05-13/O-7, § 1)

**Cross reference**— Additional restrictions on possession and display of firearms, § 11-130 et seq.

Sec. 12-4. - Penalty for violation of section 12-3.

Each violation of the provisions of section 12-3 shall be a misdemeanor and be subject to a fine of five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days; except, however, that a violation of section 12-3(d.1) and section 12-3(w) shall be subject to the penalty as provided in section 21-38(e) of this Code.

(Ord. No. O-85-52, § 3, 8-26-85; Ord. No. 92-4-13/O-4, § 7; Ord. No. 93-7-6/O-6; Ord. No. 97-6-23/O-5, § II, 6-23-97, 97-11-24/O-1, 11-24-97; Ord. No. 2010-12-6/O-7, § 2)

Sec. 12-5. - Prohibition of smoking and the use of tobacco products in town parks and playgrounds.

- (a) This section is enacted pursuant to North Carolina General Statutes 130A-498 and 160A-174(a).
- (b) Smoking and the use of tobacco products are prohibited on the grounds of any town owned park, parks and recreation facility or town owned playground. For the purposes of this section "smoking" is defined as the use or possession of a lighted cigarette, lighted cigar, lighted pipe or any other lighted tobacco product.
- (c) The prohibitions listed in subsection 12-5(b) become effective upon the posting of conspicuous signage that meets the following criteria:
  - (1) States "No Smoking" and/or "Use of Tobacco Products Prohibited" and includes the universal "No Smoking" symbol.
  - (2) Be of sufficient size to be clearly legible to a person of normal vision.
  - (3) Be posted on the grounds of parks, recreation facility or playground in locations and intervals reasonably calculated to inform employees and the public of the prohibition.

(Ord. No. 2012-03-26/O-2, § 1)

Sec. 12-6. - Enforcement and penalties for violation of section 12-5.

Following oral or written notice by the person in charge of the area described in section 12-5, or his or her designee, failure to cease smoking or using tobacco products constitutes an infraction punishable by a fine of not more than fifty dollars (\$50.00). A citation may be issued by a sworn law enforcement officer. Conviction of an infraction under this section has no consequence other than payment of a penalty, and no court costs may be assessed.

(Ord. No. 2012-03-26/O-2, § 2)

Secs. 12-7—12-15. - Reserved.

**AN ORDINANCE AMENDING CHAPTER 17 OF THE CODE OF ORDINANCES TO REGULATE SIDEWALK SALES ACTIVITIES (2020-10-28/R-X)**

BE IT ORDAINED by the Council of the Town of Chapel Hill as follows:

Section 1. Article VI, Chapter 17 of the Town Code is hereby revised to read as follows:

**“ARTICLE VI. SALE OF MERCHANDISE ON SIDEWALKS, PUBLIC STREETS  
Sec. 17-76. - Legislative findings.**

The council hereby finds that:

(a) Increasing the vitality of the town's commercial zoning districts is in the best interest of the citizens of the Town of Chapel Hill and the public health, safety and welfare;

(b) Permitting limited sales of food and beverages by businesses in commercial districts will enhance the vitality of the downtown and other commercial areas of Chapel Hill and the health, safety and welfare of the citizens of the town.

**Sec. 17-77. - General prohibition; exceptions.**

Except as otherwise provided in this article, it shall be unlawful for any person to display, by arranging or placing or carrying upon any public street or sidewalk or by placing upon any tree, post, table, or other structure or vehicle situated upon the public right-of-way of any street or sidewalk within the town for the purposes of sale or barter or for any person to sell, rent, offer for sale, or barter any goods, wares, merchandise or commercial products of any kind on any public street or sidewalk within the town.

**Sec. 17-78. - Charitable sales.**

Civic organizations or other groups engaged in charitable or fund-raising drives for community service may apply directly to the town manager for a temporary permit to display, sell, rent, offer for sale, or barter any goods, wares, merchandise, or commercial products of any kind on the public streets and sidewalks of the town.

**Secs. 17-79. Shared Transportation**

Shared transportation companies may apply to the Town of Chapel Hill to utilize the public right of way for advertisement, vehicle placement, or other uses. The town manager, or their designee, may prescribe application requirements and procedures to govern use of the Town right of way.

**Secs. 17-80 — 17-81. - Reserved.**

**Sec. 17-82. - Selling adjacent to intersections.**

No selling done pursuant to a permit issued under this article shall be permitted within six (6) feet of the travel lane at any intersection.

**Sec. 17-83. - Display on sidewalk permitted.**

The holder of a ~~temporary~~ permit under this article may display articles for sale or rent on the sidewalk in such manner as not to block any cross walk or impede the orderly flow of pedestrian traffic on any sidewalk or public street. **Sec.**

**Sec. 17-84. - Application of article to sale of article on U.N.C. property, sale of newspapers, magazines and food.**

The provisions of this article shall not apply to the sale of any article on private property or on the property of the University of North Carolina, nor to the sale of newspapers or magazines except as to those locations as provided in [Section 17-85](#), nor farm products exempted under N.C.G.S. 105-53(c), provided such sales do not interfere with or impede the orderly flow of pedestrian or automotive traffic.

**Sec. 17-85. - Distribution and sale of publications on certain specified blocks.**

Any vendor choosing to distribute free publications in the locations listed below shall use the modular newspaper racks provided and maintained by the town in these areas. Individual privately owned free-standing newspaper racks shall not be permitted in the locations listed below for the purpose of distributing free publications.

Any vendor choosing to sell publications in the locations listed below shall purchase a newspaper rack meeting the design guidelines herein described, and shall locate and maintain the newspaper rack in an area designated by the town manager. All newspaper racks used for the sale of publications shall be green metal non-pedestal mounted racks not exceeding twenty (20) inches in width or thirty-six (36) inches in height, excluding top mounted coin slots. These racks shall be free of advertising on all sides excepting the front and top surfaces. Privately owned newspaper racks that do not meet these guidelines or that are not properly maintained, as determined by the town manager, shall not be permitted in the locations listed below for the purpose of selling publications.

- (1) 100 block of North Columbia Street;
- (2) 100 block of East Franklin Street, south side;
- (3) 200 block of East Franklin Street, north side; and
- (4) 400 block of West Franklin Street.

**Sec. 17-86. - General requirements for exceptions to this article.**

Sale and offering for sale of food shall be subject to the following requirements:

(a) The sale of food under this article shall be limited to the further restrictions in this article. Approved restaurants with street frontage along roads with speed limits of no more than forty-five (45) miles per hour may use the sidewalk area in front of their business, or in front of an adjacent property, with the concurrence of the affected property owners, and with the permission of the town manager. The town manager shall determine where sales are permissible on the basis of whether room is available in front of each business to permit at least five (5) feet of clear passage, measured as described in subsection (f), for pedestrians and all other restrictions of this article in addition to the space used for sales.

(b) Sales permitted under this article shall be by restaurants as defined in the Chapel Hill Land Use Management Ordinance and Zoning Atlas as approved by the town.

(c) Chairs and tables and related barriers, approved by the town manager, may be placed on the sidewalk.

(d) Activities authorized under this article shall comply with all applicable laws, ordinances and regulations, including but not limited to those pertaining to noise control, health, fire protection, litter control, business licenses, zoning, signs, and traffic safety.

(e) Activities permissible under this article shall not interfere with or impede the safe and orderly flow of pedestrian and vehicular traffic; shall leave clear for pedestrian traffic a continuous area of paved sidewalk at least five (5) feet wide, or at least five (5) feet of width of normally travelled area if there is no paved sidewalk.

(f) Tables, chairs, and other furnishings shall be placed in such a manner that at least five (5) feet of unobstructed paved space of the sidewalk, measured from any permanent or semi-permanent object including trees, tree grates and shrubs, remains clear for the passage of pedestrians and provides adequate passing space that complies with the Americans with Disabilities Act. This minimum clear passage width may be increased if the town manager determines it is necessary in specific locations to provide adequate and safe pedestrian flow. Furnishings must be placed a minimum of six (6) feet from any travel lane.

(g) Tables, chairs, and other furnishings shall not obstruct any driveway, alleyway, building entrance or exit, emergency entrance or exit, fire hydrant or standpipe, bus stop, utility access, ventilations areas, or ramps necessary to meet accessibility requirements under the Americans with Disabilities Act.

(h) Except as elsewhere permitted, the operation or furnishing of the sidewalk dining business shall not involve any permanent alteration to or encroachment upon any street or sidewalk. The restaurant operator

and/or owner of the sidewalk dining operation shall be responsible for repairing any incidental damage to the public right-of-way resulting from the operation of the sidewalk dining.

(i) The restaurant operator shall cease part of or all sidewalk dining activities in order to allow construction, maintenance, or repair of any street, sidewalk, utility, or public building, by the North Carolina Department of Transportation, the town, their agents or employees, or by any other governmental entity or public utility.

**Sec. 17-87. - Variances permitted.**

Where the manager determines that strict compliance with any dimensional regulations of this article would preclude use of the sidewalk for sidewalk sales otherwise permitted and further determines that a variance from the strict dimensional requirements would not in a specific case substantially interfere with the public's use of the sidewalk or the rights of adjoining property owners, the manager may grant variances as deemed necessary.

**Sec. 17-88. - Sidewalk food and beverage sales by businesses adjacent to the right-of-way.**

An approved restaurant which (a) occupies building space at street level and (b) immediately fronts on and shares a common boundary with a public sidewalk or is separated from such sidewalk only by landscaped areas, may, upon receipt of a permit from the town, sell food and beverages on the portion of the sidewalk directly in front of and nearest each business's respective space within the building or in front of an adjacent property with the concurrence of that property owner subject to the following:

(a) If two (2) or more businesses with street level frontage occupy the same property, each shall be limited to the portion of the sidewalk directly in front of and nearest each business's respective space within the building or in front of an adjacent property with the concurrence of that property owner.

(b) Use of the public sidewalk area under this section shall not obstruct the entrances or exits of any building, and shall not interfere with or impede the safe and orderly flow of pedestrian traffic.

(c) The business shall be responsible for keeping the area of its sidewalk sales in clean condition.

(d) A business permitted to sell under this section may only sell food and beverages and may not assign or delegate its space or authority under this section to other persons.

(e) A business which vacates a building location shall not use the public sidewalk in front of such location.

(f) A business which occupies no building space at the street level shall not conduct sidewalk sales under this section.

(g) The restaurant operator shall provide evidence of adequate liability insurance in an amount satisfactory to the town, but in no event in an amount less than amount specified under G.S. Sec. 160A-485 as the limit of the town's waiver of immunity or the amount of Tort Claim liability specified in G.S. Sec. 143-299.2, whichever is greater. The insurance shall protect and name the N.C. Department of Transportation and the town as additional insureds on any policies covering the business and the sidewalk activities involving public rights-of-way.

(h) The restaurant operator shall provide an agreement to indemnify and hold harmless the N.C. Department of Transportation and the town from any claim resulting from the operation of sidewalk dining activities involving public rights-of-way.

(i) The restaurant operator shall provide a copy of all permits and licenses issued by the State, county or town, including health and ABC permits, if any, necessary for the operation of the restaurant or business,

or a copy of the application for the permit if no permit has been issued. This requirement includes any permits or certificates issued by the county or city for exterior alterations or improvements to the restaurant.

(j) The town reserves the right to revoke the permit to place tables and chairs and related barriers on the public right-of-way pursuant to [Section 17-89](#) (b) if any conditions of approval are not met, and to temporarily suspend permits during times of special events in the downtown area or adverse weather. During such times, sidewalk dining furnishings must be removed by the sidewalk dining restaurant.

(k) It is unlawful to consume on a business's sidewalk dining area alcoholic beverages not purchased at that business or to remove alcoholic beverages in open containers from that business's sidewalk dining area. Any business serving alcoholic beverages shall post a sign, visible from the sidewalk dining area, including this information.

**Sec. 17-89. - Sidewalk dining use permits, penalties and remedies.**

(a) Permits. All sidewalk dining activities require completion of a permit application and submittal to the town for approval. Before sidewalk dining activities are permitted, the restaurant operator must have a valid issued sidewalk dining permit. Sidewalk dining permits are not transferable or assignable. A fee as provided in the town fee schedule must be paid by the sidewalk dining restaurant to cover the cost of processing and investigating the application and issuing the permit. Sidewalk dining restaurants must resubmit their application for their sidewalk dining permit should their occupancy change or they make changes to any part of their approved permit application (including, but not limited to, layout of or increase to the number of furnishings). The town may charge a renewal fee if a resubmitted application includes a change in a restaurant's occupancy.

(b) Penalties. The town manager may immediately revoke a permit issued pursuant to this ordinance, if he or she finds that the ~~restaurant or restaurant operator~~ permit holder has:

- (1) Deliberately misrepresented or provided false information in the application, or
- (2) Operated ~~the sidewalk dining~~ in such a manner as to create public nuisance or to constitute a hazard to the public health, safety, or
- (3) Failed to maintain any insurance, health, business or other permit or license required by the law for the operation of a ~~restaurant~~ business or, if applicable, for sale of alcoholic beverages, or
- (4) Made changes in direct conflict with the approved permit application.

The ~~restaurant operator~~ permit holder may reapply for a ~~sidewalk dining~~ permit once the conditions of the revocation have been remedied.

**Sec. 17-90. - Application requirements and procedures.**

The town manager may prescribe application requirements and procedures.

**AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES TO REGULATE BICYCLES (2020-10-28/R-X)**

BE IT ORDAINED by the Council of the Town of Chapel Hill as follows:

Section 1. Article VI, Chapter 21 of the Town Code is hereby revised to read as follows:

Sec. 21-41. - Definitions.

(a) *Bicycle*: A nonmotorized vehicle with two (2) or three (3) wheels tandem, a steering handle, one or



two (2) saddle seats, and pedals by which the vehicle is propelled, or an electric assisted bicycle, as defined in G.S. 20-4.01(7a). (GS 20-171.1)

- (b) *Bikeway*: A thoroughfare suitable for bicycles, and which may either exist within the right-of-way of the modes of transportation, such as highways, or along a separate and independent corridor. The term "bikeway" may include "bike lanes", "bike paths" and "bike trails".
- (c) *Bike lanes*: That portion of a roadway set aside for the use of bicycles and so designated by the state or local government, ~~as provided in section 21-42.~~
- (d) *Bike path*: A separate pathway for bicycles and pedestrians paralleling a roadway, located within the right-of-way of said roadway as so designated by the state or local government, ~~and so designated as provided in section 21-42.~~
- (e) *Bike trail*: A pathway for bicycles and pedestrians located within a public easement or right-of-way other than that of a roadway and so designated by the state or local government, ~~and so designated as provided in section 21-42.~~
- (f) *Moped*: A vehicle, other than a motor-driven bicycle or an electric assisted bicycle, that has two or three wheels, no external shifting device, a motor that does not exceed 50 cubic centimeters piston displacement and cannot propel the vehicle at a speed greater than 30 miles per hour on a level surface. The motor may be powered by electricity, alternative fuel, motor fuel, or a combination of each. (GS-20-4.01(27)(j).) ~~having two (2) or three (3) wheels and operable pedals and equipped with a motor which does not exceed fifty (50) cubic centimeters piston displacement and cannot propel the vehicle at a speed greater than twenty (20) miles per hour on a level surface.~~

Sec. 21-42. - Establishment of bikeways; signs.

The town manager, or their designee, is authorized to ~~shall~~ place or cause to be placed appropriate signs or other markings indicating the bikeways, including, but not limited to, bike lanes, bike paths, and bike trails as further described herein. ~~as designated below:~~

~~(a) The following are designated as bike paths:~~

~~East Franklin Street (north side) — Estes Drive to Hillsborough Street.~~

~~Martin Luther King, Jr. Boulevard (east side) — Hillsborough Street to Estes Drive.~~

~~Martin Luther King, Jr. Boulevard (west side) — Umstead Drive to North Columbia Street.~~

~~Columbia Street (west side) — Martin Luther King, Jr. Boulevard to Cameron Avenue.~~

~~Columbia Street (east side) — Cameron to Rosemary Street.~~

~~Pittsboro Street (west side) — From Cameron Avenue to a point 50 feet north of University Drive West Extension.~~

~~Raleigh Road (north side) — NC 15 501 Bypass to Country Club Road~~

~~(b) The following are designated as bike lanes:~~

~~Cameron Avenue (north side) — Fetzer Lane Pittsboro Street to a point 160 feet west of the center line of Graham Street.~~

~~Cameron Avenue (south side) — South Columbia Street to Merritt Mill Road.~~

~~Country Club Road (east side) — Gimghoul Road to Boundary Street.~~

~~(c) The following are designated as bike lanes for 7:00 a.m. to 9:45 a.m.:  
Cameron Avenue (south side) South Columbia Street to Merritt Mill Road.~~

~~(d) The following are designated as bike lanes from 3:00 p.m. to 6:00 p.m.:  
Cameron Avenue (north side) Fetzer Lane to a point 160 feet west of the center line of  
Graham Street.~~

~~(e) The following are designated as bike trails:  
Muirhead Trail From Cleveland Road to Ridgefield Road.  
Glendale Trail From Weaver Road right of way to Valley Park Drive.~~

~~**Cross reference** — Bike lane overlay zones, § 21-27.3.~~

Sec. 21-43. - Shared facilities.

While roadways are provided for the safety and convenience of vehicles, sidewalks are provided for the safety and convenience of pedestrians and bikeways are provided for the safety and convenience of bicycles, it is recognized that in many instances such facilities may be shared. On shared facilities, the following regulations shall apply:

- (a) When using bike paths and bike trails, pedestrians shall walk as far to the right as practicable; shall walk no more than two (2) abreast; and shall exercise due care. Bicyclists shall give audible signal before passing a pedestrian on a bike path or trail.
- (b) When using sidewalks, bicyclists shall not exceed a safe speed ~~seven (7) miles per hour~~, shall yield the right-of-way to pedestrians and shall pass only on the left and only after giving audible warning to pedestrians.
- (c) Reserved.
- (d) ~~Persons riding bicycles upon a sidewalk or bikeway shall ride single file except when passing another bicycle.~~

Sec. 21-44. - Reserved.

Sec. 21-45. - Applicability of traffic laws.

Every person riding a bicycle upon a public street, bikeway or sidewalk shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state declaring rules of the road applicable to vehicles, this Code or other ordinances of this town applicable to the driver of a vehicle, except as to those provisions of laws and ordinances which by their nature can have no application, and except as otherwise provided in this chapter.

Sec. 21-46. - Obedience to traffic-control devices.

Any person operating a bicycle shall obey the instructions of official traffic-control signs, and other control devices applicable to vehicles and bicycles, unless otherwise directed by a police officer.

Sec. 21-47. - Entering bikeway or roadway.

The operator of a bicycle, before entering a bikeway, shall yield the right-of-way to all bicycles and pedestrians approaching on such bikeway, and before entering a roadway shall yield the right-of-way to all vehicles or bicycles approaching such roadway.

Sec. 21-48. - Reserved.

Sec. 21-49. - Direction of travel.

~~The following bikeways are designated for two-directional traffic:~~

~~Martin Luther King, Jr. Boulevard (east side) — Estes Drive to 646 feet south of Estes Drive;~~

~~Muirhead Trail;~~

~~Glendale Trail.~~

All ~~other~~ bikeways shall carry bicycle traffic only in the direction of the nearest adjacent traffic lane, unless otherwise specified by the Town Manager, or their designee.

Sec. 21-50. - Right-of-way at intersection.

Right-of-way at intersections shall be determined by General Statute wherever applicable. Bicycles using bike lanes and bike paths shall have the right-of-way over vehicles making turning movements from parallel lanes of roadway.

Sec. 21-51. - Walking bicycles.

Bicycles may be walked subject to all provisions of law applicable to pedestrians.

Sec. 21-52. - Driving vehicles across bikeways.

No person shall drive a ~~motorized~~ vehicle or moped upon or across a bikeway except at public street intersections or to enter a driveway. No person shall drive upon or across a bikeway as permitted by this section except after giving the right-of-way to all bicycles within the lane.

Sec. 21-53. - Equipment.

Every bicycle shall be equipped with a lighted lamp on the front thereof, visible under normal atmospheric conditions from a distance of at least three hundred (300) feet in front of such bicycle, and shall also be equipped with a reflex mirror or lamp on the rear, exhibiting a red light visible under like conditions from a distance of at least ~~two-three~~ hundred (2300) feet to the rear of such bicycle, or the operator must wear clothing or a vest that is bright and visible from a distance of at least 300 feet to the rear of the bicycle, when used at night. (GS 20-129(e))

Sec. 21-53.1. - Safety regulations for operators and passengers of bicycles.

- (a) Every person fifteen (15) years of age or under operating a bicycle on a public right-of-way within the town shall wear a protective helmet on his or her head, with the chin strap fastened under the chin. Such helmet shall be fitted to the size of the operator and shall meet or exceed the ANSI (American National Standards Institute) Z90.4 or subsequent bicycle helmet standards, or the Snell Memorial Foundation's 1984 Standard for Protective Headgear for Use in Bicycling or subsequent standards.
- (b) No person operating a bicycle on a public right-of-way shall allow anyone four (4) years old or younger, and weighing forty (40) pounds or less, to ride as a passenger on the bicycle, other than in a seat which shall adequately retain the passenger in place, and protect the passenger from the bicycle's moving parts; or else astride a regular seat of a tandem bicycle.
- (c) No person operating a bicycle on a public right-of-way shall allow anyone to ride as a passenger unless the passenger is wearing a helmet as defined in subsection (a) above or else is in an enclosed trailer or other device which meets or exceeds current nationally recognized standards of design and manufacture for the protection of the passenger's head from impacts in an accident without the need for a helmet.
- (d) A person's first violation of subsections (a), (b), or (c) above shall be dismissed if the person charged

with the violation submits proof that equipment meeting the standards has been acquired for use by the operator or passenger. Otherwise any violation is punishable by a civil penalty of not more than ten dollars (\$10.00).

~~Sec. 21-54.— Owner protection and identification; finding and declaration of necessity.~~

~~It is hereby found that the number of bicycles owned by the citizens and residents of the Town of Chapel Hill and the operation of bicycles on the public streets have greatly increased in recent years; that the number of accidents involving bicycles while being operated on the public streets has been growing; that larceny of bicycles has risen to many hundreds in recent years with consequent monetary losses formerly in excess of twenty five thousand dollars (\$25,000.00) per year, and now more than double, and that the rate of monetary loss is steadily increasing; that many of the accidents have occurred by reason of improperly maintained, equipped, or operated bicycles and that the operators thereof have lacked proper personal identification; that theft of bicycles is being encouraged by reason of a lack of registration and proper identification and their recovery is unlikely; that proper identification of bicycles temporarily the subject of unauthorized use and subsequently recovered as abandoned has not been possible, and proper notification to owners has been impeded by lack of sufficient information; that a comprehensive program of inspection, operator education, registration and identification of all bicycles owned and operated in the Town of Chapel Hill as a means of owner protection and identification is necessary and that it is in the public interest that such program be instituted as soon as possible and that the necessity for the provisions hereinafter ordained is hereby declared as a matter of legislative determination to be in the public interest.~~

~~Sec. 21-55.— Registration of bicycles generally.~~

~~All bicycles located within the town owned by persons living in the Town of Chapel Hill shall be registered with the town and shall at all times bear a valid registration decal issued by the town.~~

~~Sec. 21-56. — Registration of bicycles temporarily operated within the town.~~

~~Any bicycle temporarily operated upon public streets and sidewalks of the town by persons not living in the Town of Chapel Hill may be registered with the town in accordance with the provisions of this article.~~

~~Sec. 21-57. — Transfer of ownership.~~

~~The transfer of ownership of any bicycle required to be registered shall be reported to the town and registration by the new owner obtained within thirty (30) days after transfer of ownership.~~

~~Sec. 21-58. — Duration of registration.~~

~~In order to assure that there exist at all times a current registration and a legible decal on such bicycle for the purpose of identification, registration shall be valid for period ending December 1 in even-numbered years two (2) years after the effective date of these registration provisions; provided, however, that in the event a registration decal becomes illegible by reason of being damaged, defaced, or otherwise mutilated the owner shall immediately apply for a new decal.~~

Sec. 21-59. - Reserved.

~~Sec. 21-60. — Failure to register.~~

~~Any person failing to register a bicycle required to be registered by the provision of this article shall be advised of the requirements of registration and shall be issued a warning that in the event said bicycle is not registered within seven (7) days and proof of said registration filed with the police department, he shall be subject to the penalties for violation of this article.~~

~~Sec. 21-61. — Penalties.~~

~~Any person violating the provisions of section 21-55, 21-57, or 21-58 shall be subject to a fine not to exceed ten dollars (\$10.00).~~

Sec. 21-62. - Mopeds prohibited on sidewalks, bike paths, bike trails; penalty.

It shall be unlawful for any person to ride a moped (as defined in § 21-41(f)) on any sidewalk (as defined in section 21-20.1), or bike path or bike trail (as defined in section 21-41(d) and (e) respectively). A person found in violation of this section shall be subject to a civil penalty not to exceed five dollars (\$5.00).