



**AN ORDINANCE AMENDING THE CODE OF ORDINANCES  
OF THE TOWN OF NAGS HEAD, NORTH CAROLINA**

**ARTICLE I. Purpose(s) and Authority.**

**WHEREAS**, pursuant to N.C.G.S. § 160A-381, the Town of Nags Head (the "Town") may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land. Pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et. seq, the Town has adopted a comprehensive zoning ordinance (the "Town's Zoning Ordinance") and has codified the same as Chapter 48 of the Town's Code of Ordinances (the "Town Code"); and

**WHEREAS**, pursuant to N.C.G.S. § 160A-174 the Town may also enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town; and

**WHEREAS**, A text amendment was drafted by planning staff to address the use of powered scooter share programs within the Town; and

**WHEREAS**, the Town finds that the unregulated use and availability of powered motor scooters within the Town creates certain and various risks to public safety and welfare, risks to the individual personal safety of operators of powered motor scooters and to users of the streets or other areas where they are operated, and may likely lead to disrupt the peaceful enjoyment of private and public property; and

**WHEREAS**, the Town further finds that in accordance with the findings above it is not in the interest of and contrary to the public's health, safety, morals and general welfare for the Town to amend the Town's Zoning Ordinance and Town Code of Ordinances as stated below.

**ARTICLE II. Construction.**

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by an ellipses ("...") shall remain as they currently exist within the Town Code.

**ARTICLE III. Amendment of Zoning Ordinance.**

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that the Town Code shall be amended as follows:

PART I. That Section **48-7, Definitions of Specific Words and Terms**, be amended as follows:

Powered Scooter means any two-wheeled device that has handlebars, has a floorboard that is designed to be stood upon when riding, and is powered by an electric motor or other power source. This device may also have a driver seat that does not interfere with the ability of the rider to stand and ride and may also be designed to be powered by human propulsion. This definition shall not include motorcycles or mopeds as defined by the North Carolina General Statutes.

Powered Scooter Share Operator means an individual or a public, private, or non-profit entity that manages a Powered Scooter Share Program.

Powered Scooter Share Program means a system of self-service Powered Scooters for hire Operated within the Town of Nags Head by a Powered Scooter Share Operator that offers to users self-service Powered Scooters for use in the public right-of-way or on public property. As used in this Section, a Powered Scooter Share Program is "Operated" within the Town of Nags Head whenever a Powered Scooter Share Operator does any of the following with respect to Powered Scooters: delivers,

makes available, leases, retrieves, contracts for the rental or use, receives or responds to orders for the use, collects payment for the use, or otherwise makes


arrangements enabling another person to receive or use for a fee a Powered Motor Scooter.


PART II. That **Article XI, Schedule of District Regulations** be amended as follows:

(4) Non-Residential Prohibited and Permitted Uses Chart:


TYPE OF USE	ZONING DISTRICTS											OVERLAY DISTRICTS				COMMENTS
	R-1	R-2	R-3	CR	C-1	C-2	C-3	C-4	SP D-C	SP D-20	SE D-80	CO	Hotel	O&S	SRO	
Powered Scooter Share Program	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

PART III. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect from and after the 3<sup>rd</sup> day of October 2018.

  
Benjamin Caroon, Mayor

ATTEST:  
  
Carolyn F. Morris, Town Clerk



APPROVED AS TO FORM:  
  
John Leidy, Town Attorney

Date adopted: October 3, 2018

Motion to adopt by Commissioner \_\_\_\_\_  
 Motion seconded by Commissioner \_\_\_\_\_  
 Vote: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS