



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

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to North Carolina General Statutes § 160A-174 the Town of Nags Head (the "Town") may 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 may define and abate nuisances; and

WHEREAS, pursuant to North Carolina General Statutes § 20-175.6(d), the Town of Nags Head is authorized, by ordinance, to regulate the time, place, and manner of the operation of electric personal assistive mobility devices for the purposes of assuring the safety of persons using highways, sidewalks, public streets, alleys, bridges, and other ways of public passage; and

WHEREAS, the Town further finds that in accordance with the findings above it is in the interest of the public's health, safety, morals and general welfare that the Town Code of Ordinances be amended as stated below.

ARTICLE II. Construction.

For purposes of this Ordinance, 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 a "... shall remain as they currently exist within the Town Code.

ARTICLE III. Code of Ordinances Amendment.

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

PART I. That **Section 42-1 Definitions** be amended as follows:

Multiuse pedestrian path means a concrete/asphalt path that is at least eight feet in width, situated within the right-of-way of a street or highway and adjacent to the paved portion thereof, that is constructed for the use of pedestrians, bicyclists, electric personal assistive mobility devices, and other nonmotorized vehicles

Electric personal assistive mobility device means a self-balancing non-tandem two-wheeled device, designed to transport one (1) person, with a propulsion system that limits maximum speed of the device to fifteen (15) mph or less and which are exempt from registration pursuant to G.S. 20-51(14).

PART II. That **Section 42-95 Electric Personal Assistive Mobility Devices** be added as follows:

(a) Any person under the age of sixteen (16) operating a electric personal assistive mobility device on a public roadway, multiuse pedestrian path, other public right-of-way, sidewalk or the property of the Town of Nags Head shall wear a helmet of good fit, with the chin strap fastened securely under their chin.

(b) No person or business shall rent or lease any electric personal assistive mobility device to or for the use of any person under the age of sixteen (16) unless the rental or lease includes a protective helmet of good fit, the operator intends to wear the helmet with the chin strap fastened securely under the chin at all times while operating an electric personal assistive mobility device and the operator has been provided posted or written notice explaining the provisions of this section. A reasonable fee may be charged for the helmet rental.

(c) No person may operate an electric personal assistive mobility device on a public roadway or other public right-of-way unless the roadway or right-of-way has a posted speed limit of twenty-five (25) mph or less. A person operating an electric personal

assistive mobility device may cross over public roadways and public right-of-ways with posted speeds of greater than twenty-five (25) mph in the same manner as a pedestrian.

(d) No electric personal assistive mobility device may be operated at a speed greater than that which is reasonable and prudent for the existing conditions, and in no instance at a speed greater than six (6) miles per hour.

(e) No electric personal assistive mobility device may be operated in a careless or reckless manner.

(f) Electric personal assistive mobility devices must be operated to the extreme left of the roadway when operating on public roadways or right-of-ways.

(g) Operators of electric personal assistive mobility devices must yield the right-of-way to pedestrians and other human-powered devices.

(h) Electric personal assistive mobility devices may be operated on public roadways and other public right-of-ways only during daylight hours and may be operated on the Town's multiuse pedestrian paths, sidewalks and the property of the Town of Nags Head only between the hours of 10:00am and 3:00pm.

(i) Electric personal assistive mobility devices must be operated in accordance with all applicable state and local laws and ordinances.

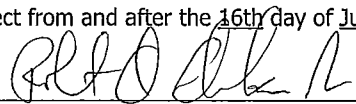
(j) Any violation of the provisions of this section shall be a misdemeanor and punishable as provided by G.S. 14-4 or as a civil violation and punishable by a civil penalty of \$50.00.

ARTICLE IV. Severability.

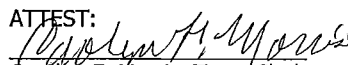
All Town ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. Should a court of competent jurisdiction declare this ordinance or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance nor the Town Code of the Town of Nags Head, North Carolina which shall remain in full force and effect.

ARTICLE V. Effective Date.

This ordinance shall be in full force and effect from and after the 16th day of June, 2010.



Robert O. Oakes, Jr., Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk



APPROVED AS TO FORM:

John Leidy, Town Attorney

Date adopted: June 16, 2010

Motion to adopt by Commissioner Comr. Remaley

Motion seconded by Commissioner Comr. Wayne Gray

Vote: 4 AYES 1 NAYS ABSENT

AYES Mayor Bob Oakes
 Mayor Pro Tem Wayne Gray
 Comr. Anna Sadler
 Comr. Doug Remaley

NAYS Comr. Renée Cahoon

GENERAL STATUTE § 14-4. Violation of local ordinances misdemeanor.

(a) Except as provided in subsection (b), if any person shall violate an ordinance of a county, city, town, or metropolitan sewerage district created under Article 5 of Chapter 162A, he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00). No fine shall exceed fifty dollars (\$50.00) unless the ordinance expressly states that the maximum fine is greater than fifty dollars (\$50.00).

(b) If any person shall violate an ordinance of a county, city, or town regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars (\$50.00). (1871-2, c. 195, s. 2; Code, s. 3820; Rev., s. 3702; C.S., s. 4174; 1969, c. 36, s. 2; 1985, c. 764, s. 2; 1985 (Reg. Sess., 1986), c. 852, s. 17; 1991, c. 415, s. 1; c. 446, s. 1; 1993, c. 538, s. 8; c. 539, s. 9; 1994, Ex. Sess., c. 24, ss. 14(b), 14(c); 1995, c. 509, s. 133.1.)