

**TOWN OF NAGS HEAD  
REGULATIONS GOVERNING  
OFF-ROAD VEHICLES**



**This pamphlet has been prepared for your information and convenience. The general rules of operation on Beach Driving are numerically listed for quick reference and the complete text of the ordinance is printed in the back of the pamphlet. Other Town ordinances are also included for your reference.**

**The Marine Fisheries Commission has proclaimed it unlawful to use seines from Wednesday through Saturday of the week of the Nags Head Surf Fishing Tournament held during October of each year the week prior to Columbus Day and November 1 through December 15 of each year, from Gulfstream Street northward to Eighth Street at the north town limit of Nags Head. It is also unlawful to use commercial fishing gear within 750 feet of fishing piers open to the public. Each year Marine Fisheries issues a chart entitled North Carolina Recreational Guide for Fishermen. This guide lists the most current lengths and creel limits for various species of fish. Please familiarize yourself with this guide. They are available at most tackle shops.**

Please understand that driving an off-road vehicle on the beaches of Nags Head is a privilege. The Town has made every effort to accommodate four-wheel drive vehicles on the beach. At the same time, in order to ensure your safety, the safety of pedestrians, and the protection of the beaches, the Town must enforce certain regulations with respect to beach driving privileges.

These rules are as follows:

- Stay off the dunes and private property. The Nags Head dune system is very fragile and can be destroyed by vehicles running over the vegetation. As a guideline, drive as close to the water's edge as possible. Under no circumstances does a beach driving permit allow you to drive your vehicle on private property without the express permission of the owner.
- Enter and exit the beach at designated and marked access points only.
- Display your permit on the left front bumper of the vehicle.

Should you have any additional questions concerning beach driving, you should contact a Nags Head Police Officer or make a direct inquiry to the Police Department.

### **Application Procedure**

Applications for permits will be taken from 8:30 a.m. until 5:00 p.m. daily, Monday through Friday in the Municipal Complex at 5401 S. Croatan Highway. Additionally, Town-designated tackle shops will also distribute applications and permits during their normal business hours. These tackle shops are: Fishing Unlimited, Whalebone Tackle, and T.W.'s Bait and Tackle. When applying for the permit, please have a valid motor vehicle operator's license,

current registration, current inspection sticker, license plate and cash or check in the amount of \$25.00. Beach drivers must comply with all local regulations having to do with licensing, registration, inspection and insurance before a permit will be issued.

### **SUMMARY OF REGULATIONS PERTAINING TO BEACH DRIVING.**

1. A beach driving sticker is required for each vehicle and must be renewed annually. The sticker should be placed on the left front bumper of the vehicle.
2. A permit shall be valid from 12:01 a.m. on the first day of October until midnight of the thirtieth day of April of each year.
3. A fee in accordance with the Nags Head fee schedule will be charged for each permit. The annual permit fee is currently set at \$25.00. Duplicates may be obtained for a fee of \$2.00 each with return of old sticker. Commercial fishermen holding a valid state commercial fisherman's license, operating one or more vehicles in the business of commercial fishing shall obtain additional permits at the fee of \$2.00 each.
4. Permits shall be issued only for four-wheel drive vehicles which have passed an inspection by the Department of Motor Vehicles of the state or by the equivalent department or agency of the state in which such vehicle is licensed; provided that land vehicles registered in states having no state inspection program must be examined by the permit issuing employee and found to have operating headlights, taillights, brakes, horn and windshield wipers.

5. Maximum speed shall not exceed 25 mph.
6. Beach driving is permitted only from one-half hour before sunrise to one-half hour following sunset.
7. Permitted vehicles going to and from the beach should use the designated VEHICULAR BEACH ACCESS POINTS, which are designated and posted as such by the Town of Nags Head.
8. Pedestrians, swimmers, and bathers have the right-of-way over vehicles being operated on the beach.
9. A permit does not authorize a vehicle, its owner or operator to operate a vehicle over private property without the permission of the owner.
10. No vehicle shall be operated west of the "toe of the slope" of the dune except in going to and from the beach area at authorized VEHICULAR BEACH ACCESS POINTS.
11. Any person driving on the beach in a careless or heedless manner, or who drives on the beach without due caution or at an unsafe speed, or who drives while under the influence of intoxicating liquor or other drug, or who has a blood alcohol level of **0.08** percent or more by weight (in accordance with N.C. State Statutes), shall be punished as provided for in Section 1-6 of the Code of Ordinances of the Town of Nags Head.
12. Any person operating a vehicle on the beach, or going to and from the beach, must have a current and valid motor vehicle operator's license issued by the state of his/her residence.

13. It shall be unlawful for any person to cause or allow unsightly litter, foul or offensive odors or potentially dangerous materials to remain on or emanate from any property under his control, or to discard, abandon or cause the same on any public or private property within the corporate limits of the town.
14. Commercial fishermen are governed by Chapter 472 of the 1967 Session Laws of North Carolina and NCCGS #113.
15. By proclamation of the Director of Marine Fisheries, it is unlawful to use seines from Wednesday through Saturday of the week of the Nags Head Surf Fishing Tournament held during October of each year the week prior to Columbus Day and November 1 through December 15 of each year, from Gulfstream Street northward to Eighth Street at the north town limit of Nags Head. It is also unlawful to use commercial fishing gear within 750 feet of fishing piers open to the public. According to 15A NCAC 31.0001, a seine is defined as "a net set vertically in the water and pulled by hand or power to capture fish by encirclement and confining fish within itself or against another net, the shore or bank as a result of net design, construction, mesh size, webbing diameter, or method in which it is used."

Suggested equipment to carry while driving on the beach include: shovel, jack, tow rope or chain, board or similar jack support, low pressure tire gauge, approved tires, and spare tire.

## OTHER IMPORTANT TOWN REGULATIONS

EMERGENCY TELEPHONE NUMBERS. - For all emergencies (police, fire, ambulance and ocean rescue) **DIAL 911**

1. **DRIVING ON SAND DUNES PROHIBITED** - It shall be unlawful to operate a vehicle on ANY sand dune in the Town.
2. **PIT FIRES** - A permit must be obtained from the Nags Head Fire Department (252-441-5909) prior to setting or lighting a pit fire. Permits for any type of fire can only be issued by the Nags Head office of the Fire Marshal.
3. **CAMPING REGULATIONS** - No person shall engage in the act of open air camping in the Town of Nags Head unless that person owns or leases improved real property or is the owner's (or lessee's) immediate family and company. Such persons may camp on the property provided that sanitary facilities including a bathroom with running water are available. The total number of persons authorized shall not exceed five.
4. **JET SKIS** - It shall be unlawful for any person to operate a Jet Ski, power sled, or any other similar device while the motor or engine is running or operating, within 600 feet of the shoreline of the Atlantic Ocean, or any fishing pier within the corporate limits of Nags Head.
5. **SURFING** - No person shall use or operate a surfboard in the water of the Atlantic Ocean inside the Town limits unless a leash is physically attached to the surface of the surfboard and the opposite end of the leash is looped around the person's ankle or wrist for control of the surfboard while in operation or

use. It shall be unlawful for any person to surf or have a surfboard or other similar device in the waters of the Atlantic Ocean within three hundred (300) feet of any fishing pier in the town.

6. **HORSES** - It shall be unlawful for any person to ride or walk a horse on the beaches of the Town of Nags Head from midnight on April 30th of each year until midnight on September 30th of each year. When permitted, access to the beach shall be authorized at posted access points only. For the purposes of this provision, the word "beaches" shall mean all the area from the easternmost edge of the barrier dune line eastward and protruding into the Atlantic Ocean for a distance of 100 yards east of the mean low water mark.

It shall be unlawful for any person to ride or walk a horse on the barrier dunes within the Town of Nags Head at any time. For the purposes of this provision, the phrase "barrier dunes" shall mean the easternmost sand dune or system of sand dunes, which lies just west of the mean high water mark of the Atlantic Ocean and forms a protective barrier from the action of the Atlantic Ocean.

Each and every person, rider, keeper or custodian of any horse in public place, street, sidewalk, parking lot, or the private property of any person other than the owner shall immediately remove all feces deposited by said horse. Such removal shall be accomplished by depositing said feces in a sanitary container. Burying in the sand or depositing it in the ocean is prohibited and constitutes a violation of the Nags Head Code of Ordinances.

7. **SWIMMING PROHIBITED DURING DANGEROUS CONDITIONS** - During certain periods of time, a combination of environmental conditions, dangerous rip tides, and undercurrents occur in the ocean surf, making ocean conditions unsafe for swimmers. The Town Manager of the Town of Nags Head is authorized, after making a determination that conditions are unsafe, to prohibit all swimming in the Atlantic Ocean until he determines that the unsafe conditions have abated. During periods when swimming is prohibited, and after notice is given to the public by radio or red flags along the dune line adjacent to the Atlantic Ocean, swimming in the Atlantic Ocean is unlawful.

8. **DOGS MUST BE ON A LEASH** - See chapter 4, Article I, Animal Control of the Nags Head town Code of Ordinances. Any animal off the premises of the owner or custodian shall be restrained by a leash, cord, or chain not exceeding ten (10) feet in length, held by a person who is physically able to control the animal. A collar or harness with attached current vaccination and identification tags must be worn at all times except when the dog is confined to the owner's premises. Each and every person, keeper or custodian of any dog in any public place, street, sidewalk, parking lot, on the private property of a person other than the owner, keeper or custodian and on the beach shall immediately remove all feces deposited by their dog. Such removal shall be accomplished by depositing such feces in a sanitary container. Burying feces in the sand or depositing in the ocean is prohibited and constitutes a violation of this chapter.

**BEACH VEHICULAR TRAFFIC LAW  
TOWN OF NAGS HEAD  
CODE OF ORDINANCES**

Chapter 5, Beaches and Waterways  
Article II, Motor Vehicle Regulations  
Division 3, Operating on Beaches

Section 5-61. Definitions

The following words, terms and phrases, when used in this division, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

**Barrier dune** means the easternmost sand dune or system of sand dunes, which lies just west of the mean high water mark of the Atlantic Ocean and forms a protective barrier from the actions of the Atlantic Ocean.

**Beach** means all that area from the easternmost edge of the barrier dune line eastward and protruding into the Atlantic Ocean for a distance of one hundred (100) yards east of the mean low water mark.

**Bona fide fishing tournament** means a fishing tournament sponsored by a non-profit organization having an existence in excess of one (1) calendar year prior to an application for beach driving permits. Such tournament must have a minimum number of twenty-five (25) participants.

**Toe of slope** means that point between the ocean and the barrier sand dune where the uniform line of slope from the ocean toward the barrier dune begins an abrupt change of angle of direction upward and becomes the slope of the barrier dune.

**Vehicle** means all kinds of motor-driven and wind-powered vehicles including fishing boats and amphibious vehicles but excluding sailboats used for sport, surfboards and amphibious vehicles which are afloat and no portion of which is beached, aground or operating on wheels or tracks.

**Vehicular beach access point** means an access maintained by the Town for use by vehicles at a designated location, usually on a town street. Vehicle access is permitted at these points and at no other location.

#### Sec. 5-62. Generally.

Except as hereinafter provided, it shall be unlawful to operate any automobile, "off the road" vehicle, motorcycle, wind-powered, or motor-powered vehicle or other vehicle on the beaches of the town. Notwithstanding the provisions governing permits as hereinafter provided, no vehicle shall be operated on the beach of the town between 12:01 a.m. on May 1st and 12:00 midnight on September 30th of each and every year.

#### Section 5-63. Permits.

(a) Permitted vehicles. Permits shall be issued only for properly registered and licensed vehicles having a four-wheel drive and which shall have passed inspection by the department of motor vehicles of the state or by the equivalent department or agency of the state in which such vehicle is licensed if applicable. Any boat transported onto the beach must be properly registered and marked according to the licensing jurisdiction.

(b) Applications; period of validity.

- (1) Any person desiring to operate a permitted vehicle on the beach of the town shall make application to the appropriately designated employee of the town or at designated fishing tackle shops in the town. The requesting party shall present the vehicle for inspection at town hall between the hours of 8:30 a.m. and 5:00 p.m. daily Monday through Friday or at the designated fishing tackle shops during normal business hours. The applicant's name, address, driver's license number, registration number and type of vehicle for which such permit is sought must be submitted in order to obtain a permit. A permit issued hereunder shall be valid from 12:01 a.m. October 1st and shall expire at midnight on April 30th of the following year.
- (2) It is further provided that there shall be a separate permit for each vehicle for which a permit is desired under the terms of this division; except, that for commercial fishermen holding a valid state commercial fishermen's license, operating one (1) or more vehicles in the business of commercial fishing, upon inspection of all vehicles so used when owned and titled in the

same name and upon payment of the fee for the issuance of a single permit, duplicate permits shall be issued for all vehicles so used and owned as hereinabove stated; provided, that all such vehicles meet the inspection requirements set out in subsection (a).

- (3) It is further provided that short-term permits for up to fourteen (14) days' duration may be issued for a bona fide fishing tournament. Such permits may be issued after application by an organization meeting the requirements of this division sponsoring a bona fide fishing tournament. Such application shall be made three (3) weeks in advance of the tournament and shall include the inclusive dates, not exceeding fourteen (14) days, and the number of permits required. A minimum number of twenty-five (25) permits must be purchased by the applicant.

(c) Fee. An applicant for a permit will pay a fee in accordance with the regularly adopted fee schedule of the town at the time of issuance of the permit and will receive a device or insignia which must be permanently affixed and displayed on the left front bumper of the vehicle, except however, in the case of a bona fide fishing tournament a temporary permit signed and sealed by the town clerk may substitute for a device or insignia which must be in the vehicle when being operated on the beach.

(d) Issuance not deemed authority to operate on private property. No permit issued under this section shall be construed to authorize a vehicle or the owner or operator thereof to operate on private property without the permission of the owner of such property.

#### 5-64. Rules of Operation.

Vehicles for which a permit is obtained pursuant to this division shall be operated in accordance with the following rules:

- (1) No vehicle shall be operated on the beach at a speed in excess of twenty-five (25) miles per hour.
- (2) No vehicle shall be operated on the beach during the period set out in section 5-62.
- (3) No vehicle shall be operated west of the "toe of the slope" of the dune except in going to and from the beach area at authorized vehicular beach access points. However, nothing contained herein shall be construed to permit driving on the barrier dunes or driving on private property without the express permission of the owner, even though the "toe of the slope" may be located west of the private property east boundary which extends to the mean high water mark of the ocean.
- (4) Permitted vehicles going to and from the beach area shall use as an entrance and exit only the designated vehicular beach access points which shall be designated as such by the Board of Commissioners of the town and appropriately marked.
- (5) Vehicles having permits may be operated on the beach only from one-half hour prior to sunrise to one-half hour following sunset daily.
- (6) Pedestrians, swimmers, and bathers shall have the right-of-way over all vehicles being operated on the beach.

(7) Any person who drives any vehicle upon the beach area carelessly and heedlessly in willful or wanton disregard of the rights or safety of others or who drives any vehicle upon the beach without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property shall be guilty of reckless driving and punished pursuant to section 1-6.

(8) Any person who is under the influence of intoxicating liquor or other drug or who has a blood alcohol level of 0.08 percent or more by weight, who drives on the beach area or going to and from the beach, shall be guilty of driving while under the influence of intoxicating liquor or other drug and shall be punished as provided in section 1-6.

(9) Any operator of any vehicle on the beach area or going to and from the beach must have a current and valid motor vehicle operator's license issued by the state of his residence.

#### Section 5-65. Exceptions.

(a) The provisions of this division shall not apply to municipal employees, municipal vehicles, or emergency vehicles or the drivers thereof, which may be required to enter upon the beach in the performance of their duties nor shall this division apply to a governmental agency, its employees, agents, contractors and subcontractors and their vehicles when engaged in beach restoration or protection work.

(b) The date and time limitation provided in sections 5-62 and 5-63 shall not apply to commercial fishermen holding a valid state commercial fishermen's license when engaged in commercial fishing activities.

(c) The town manager shall have the authority to close any portion of the beach or all of the beach at such times and places that extensive beach erosion occurs. This authority may be exercised by the town manager when, as a result of inspections by him or the town employees subject to his authority, it is determined that the width of the beach between the "toe of the slope" of the dune and the area affected by the ocean wash and waves is such that driving would either be dangerous or increase the effects of erosion, or the beach is not sufficiently wide enough or stable to support vehicular traffic. At any time that the ocean wave wash is less than forty (40) feet eastward of the "toe of the slope" that portion of the beach shall be closed. The closure area shall extend to the next beach access point in each direction. Any person operating a vehicle on the beach in a closed area shall be subject to the penalties provided in this section.

#### Section 5-66. Reciprocal agreements with county or other towns.

If the county or any town within the county shall adopt an ordinance regulating operation of vehicles on its beaches, the Board of Commissioners may enter a reciprocity agreement with that town or the county; provided that the Board of Commissioners finds that the ordinance contains similar provisions to this division.

A town map should be provided to you at the time of the purchase of your beach driving permit that will indicate the portions of the Nags Head beaches open to beach driving at that time.