

SUBMITTED VERSION OF CHAPTER 28 FORMAL DRAFT

08.16.19

Bald Head Island, North Carolina Code of Ordinances

Chapter 28

TRAFFIC AND VEHICLES*

***Charter References**— Motor vehicle regulation, §10.1 et seq.

Cross References— Junk vehicles, §10-51 et seq.; offenses and miscellaneous provisions, Ch. 16; streets, sidewalks and other public places, Ch. 24.

State Law References— Motor vehicles, G. S. Ch. 20; powers of local authorities, G.S. 20-169.

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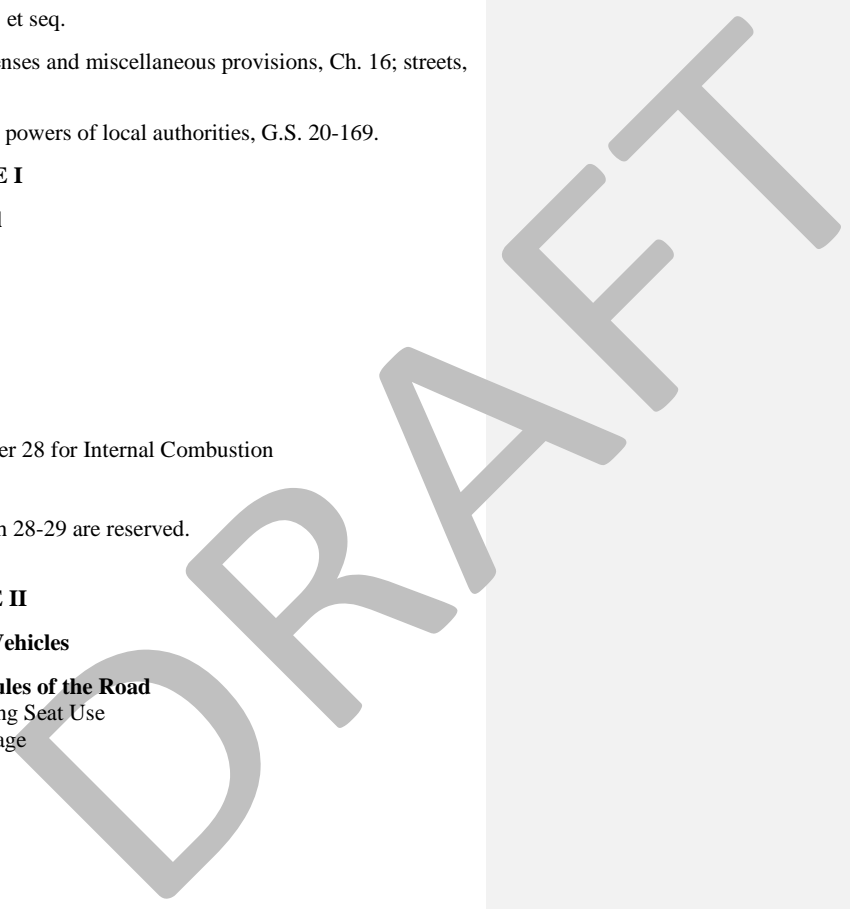
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ARTICLE I

General

Section 28-1. Preamble

- Bald Head Island is an environmentally focused community living in harmony with nature.
- Safety for all who inhabit and visit is paramount.
- It is a privilege to operate a vehicle on Bald Head Island, and all vehicles must be registered or permitted.
- All users must share the roadways and pedestrians and cyclists must be granted the right-of-way.
- All users are encouraged to use care, to show courtesy, and to exercise common sense.

This Chapter 28 of the Village Ordinances governing Traffic and Vehicles has been amended to align with the spirit and intent of that Village Council Resolution 2018-0601 passed on June 27, 2018, captioned “Village of Bald Head Island Resolution Expressing Intentions of Council with Respect to Vehicles Powered by Internal Combustion Engines.”

Section 28-2. Appeal

(a) **Deadline.** Unless another procedure is established for a particular violation by ordinance or state law, assessments of civil penalties and other enforcement decisions made under this chapter may be appealed by filing a written notice of appeal with the Village Clerk within thirty (30) days after the date of notification of the assessment of civil penalties or other enforcement decision. The failure to give notice of appeal within this time period shall constitute a waiver of the right to contest the assessment of penalties or other enforcement decision.

(b) **Process.** Appeals shall be determined through a nonjudicial administrative process established by the Village Manager. Rules and procedures, if any, adopted by the Village Manager shall be made available for review at Village Hall. The Village Manager or his designee shall render all decisions on appeal in writing. The Village decision on appeal shall be subject to review by the Superior Court of Brunswick County by proceedings in the nature of certiorari.

Any petition for certiorari shall be filed within thirty (30) days after the date that a written decision is issued.

(c) **Appeal standard.** The Village Manager or his designee shall review an appeal from the assessment of civil penalties or other enforcement decisions using a preponderance of the evidence standard. Notwithstanding a determination that the preponderance of the evidence supports the assessment of civil penalties or other enforcement decision, the Village Manager or his designee shall have the discretion to dismiss or reduce civil penalties or reverse any other enforcement decision where warranted

Section 28-3. Definitions

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning, or the term is specifically defined otherwise regarding a particular Division or Section.

Abandoned Vehicle refers to any vehicle that is left upon the Village streets or public right-of-way in violation of a law or ordinance prohibiting parking, left on property owned by the Village for longer than twenty-four (24) hours, or left on private property without the consent of the owner, occupant or lessee

thereof, for longer than four (4) hours.

Assessment Notice refers to that Village notice that assesses repair or mitigation costs associated with damages to Village assets to the owner of the offending vehicle.

Beaches refers to foreshore, beach strand, and barrier dune system.

Bicycle refers to a device with two (2) wheels in tandem propelled by human power via pedals.

Bicycle Operator refers to a person who propels a bicycle.

Bicycle Passenger refers to a person who is transported on or by a bicycle.

Commercial Electric Vehicle refers to any vehicle used for commercial purposes, the propulsion of which is derived primarily from the use of electricity.

Commercial Purpose means by or on behalf of a commercial entity that is regularly engaged in the sale of goods or services

Commercial-Use Trailer refers to a trailer used primarily on Village streets for commercial purposes.

Commercial-Use Vehicle refers to any electric **vehicle**, or internal combustion engine vehicle (I.C.E. vehicle) used for any commercial purpose.

Curb Weight refers to the weight of the electric **vehicle** in an operational status with all fluids and components, including batteries, but without driver, passengers, or cargo.

Department refers to the Village Department of Public Safety or successor agency.

Device refers to any apparatus solely propelled by the human body.

Director refers to the Director of the Department or other individual designated to act on behalf of the Director.

Electric Vehicle refers to any vehicle personally or residentially used in the conveyance or transportation of persons or property on Village streets, the propulsion of which is derived from the use of electricity.

Electric Commercially Modified Golf Cart refers to any vehicle commercially used on the streets of the Village, the propulsion of which is derived from the use of electricity and the design of which has been modified from an electric golf cart.

Emergency refers to a situation that to a reasonable person poses an immediate risk to health, life, property, or environment.

Emergency Vehicle refers to any vehicle that responds to an emergency as directed by the Village or other duly acting governmental agency.

Government Vehicle refers to any vehicle being operated for official government business by an agent or employee of the United States, North Carolina, or any county or municipality of North Carolina.

Harbour Village Parking District (“District”) refers to the right-of-way boundaries of those public streets and alleys in the District that have been dedicated and accepted by the Village. A portion of the District lies outside the Harbour Village subdivision boundary.

Heavy Equipment Vehicle refers to a heavy-duty vehicle operated primarily for earthwork functions.

Helmet refers to a piece of headgear that meets or exceeds the impact standards for protective helmets set by the American National Standards Institute (ANSI), the Snell Memorial Foundation, Consumer Product Safety Commission Standards, or ASTM bicycle helmet standards, as they may be amended from time to time. A protective helmet shall be appropriately fitted and shall include straps designated to affix the helmet snugly and securely to the head.

Human Device refers to any apparatus solely propelled by the human body.

Internal Combustion Engine Vehicle (I.C.E. Vehicle) refers to any vehicle, the propulsion of which is derived from the use of any engine powered solely or partially by the internal combustion of fossil fuels.

Lawful Possessor refers to any person who owns, possesses, or operates any vehicle towed or impounded pursuant to this Chapter.

Licensed Driver refers to any individual legally licensed to operate a vehicle on the streets or highways of the state of North Carolina.

Nuisance Vehicle refers to any vehicle left on public or private property that is determined and declared to be a health or safety hazard, or a public nuisance.

Official Island Transportation System refers to the vehicles used primarily to deliver persons or property to and from the ferries that service Bald Head Island.

Officer refers to any duly sworn individual employed or contracted by the Village Department.

Owner refers to the person who owns any vehicle as shown on the Village registration or permit application for a permit to operate such vehicle or, if no such application exists, on the registration records for such vehicle as maintained by the State Division of Motor Vehicles.

Owner's Address refers to that mailing address of the owner of any vehicle as shown on the Village registration or permit application for the right to operate such vehicle on Village streets or, if no such application exists, on the records for such vehicle as maintained by the State Division of Motor Vehicles.

Pedestrian refers to a person who goes or travels on foot.

Permit refers to permission obtained from the Department to legally operate a commercial-use vehicle on Village streets.

Person means any individual, corporation, company, partnership, trust, or like entity.

Personal-Use Electric Vehicle refers to any electric vehicle used primarily on Village streets for personal or residential use.

Personal-Use Trailer refers to a trailer used primarily on Village streets for personal or residential purposes.

Public Right-of-Way refers to any right-of-way other than a public street that is under the jurisdiction and control of the Village.

Public Utility Vehicle refers to those vehicles used by public utility companies to provide essential services, such as broadband, electricity, gas, sewer, telephone, and water.

Registration refers to permission obtained from the Department to legally operate a personal-use vehicle on Village streets.

Repair Cost refers to the total cost to the Village to repair, mitigate, and return any Village asset to its condition immediately prior to the specific damage sustained, including, without limitation, all costs of labor, materials and equipment used to make such repairs.

Restraining Seat refers to a seat separate from the saddle seat for the operator of the bicycle that is fastened securely to the frame of the bicycle according to manufacturer's instructions. It must be adequately equipped to restrain the passenger in such seat as to protect such passenger from the moving parts of the bicycle. A restraining seat shall meet or exceed the standards set by the Consumer Product Safety Commission, as well as the standards set by 16 CFR 1501, 16 CFR 1500.48, 16 CFR 1500.49, and 16 CFR 1303, as they may be amended from time to time.

Scooter refers to a device consisting of a narrow footboard mounted between two (2) or more wheels in tandem with an upright steering handle.

Segway refers to a self-balancing, non-tandem, two-wheeled device designed to transport one (1) person.

Skateboard refers to a flat, short, narrow board mounted on four wheels, generally ridden in a standing position.

Special Use Permit refers to the permission obtained from the Department to operate I.C.E. vehicles outside workday hours, and to operate I.C.E. vehicles on streets with vehicle restrictions.

Taxicab refers to any electrically-powered vehicle, seating nine (9) or fewer passengers, operated upon streets, as authorized and approved under this Chapter, on-call or on a standing basis, accepting or soliciting passengers for hire between such points as may be directed by the passenger so being transported. *Taxicab* also includes any electrically-powered vehicle, seating twelve (12) or fewer passengers upon streets, as authorized and approved under this Chapter, on a fixed route, accepting or soliciting passengers for hire. *Taxicab* includes both in-service and out-of-service vehicles. *Taxicab* shall not mean the Official Island Transportation System operated for delivery of ferry passengers.

Taxicab Operator refers to the person, business, or entity that operates a taxicab on Village streets.

Terminal refers to any point of embarkation or disembarkation to or from Bald Head Island used by and for public transportation.

Towing and Impoundment refers to the process of the Village or its contractor removing a vehicle and

confining it to a secure place.

Trailer refers to an unpowered vehicle that is being towed by another vehicle.

Tricycle refers to a device with three (3) wheels propelled by human power via pedals.

Tricycle Operator refers to a person who propels a tricycle.

Tricycle Passenger refers to a person who is transported on or by a tricycle.

Unattended Vehicle refers to any vehicle located on Village streets without an identifiable lawful possessor.

Unlicensed Driver refers to any individual *not* legally licensed to operate a vehicle on the streets or highways of the state of North Carolina.

Vehicle refers to any machine by which any person or property may be transported on Village streets, the propulsion of which is derived from the use of electricity or the internal combustion of fossil fuels.

Vehicle Dimensions refer to the maximum vehicle dimensions allowed on Village streets.

Village Asset refers to any street, signage, vegetation, road or other real or personal property of the Village.

Village Manager refers to the individual employed by Village Council to serve as the chief executive officer of the Village of Bald Head Island or the individual designated to act on behalf of the Village Manager.

Village Streets refers to any public right-of-way for vehicular traffic inclusive of the shoulders, rights-of-way, unimproved portion and any improvements of any kind thereto, including any vegetation thereon.

Workday refers to the time period from 6:00 o'clock a.m. until 6:00 o'clock p.m., Monday through Friday. The following holidays, on the days nationally observed or otherwise, shall be non-workdays: New Year's Day, Easter Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving Thursday and Friday, and Christmas Eve through Christmas Day. Provided, however, this definition shall not be construed to govern hours of work, such as on a job site, which is elsewhere regulated in the Village Code of Ordinances.

Section 28-4. Exemptions

The operation of electrically powered vehicles within the Village is exempt from the following provisions of the North Carolina General Statutes: G.S. 20-50, G.S. 20-52, G.S. 20-57, G.S. 20-63, G.S. 20-115, G.S. 20-122.1, G.S. 20-123.2, G.S. 20-125, G.S. 20-125.1, G.S. 20-126, G.S. 20-127(b), G.S. 20-127(c), G.S. 20-128, G.S. 20-129, G.S. 20-131, G.S. 20-135.2, G.S. 20-135.2(a), G.S. 20-135.3, G.S. 20-137.1, and G.S. 20-309.

Section 28-5. Liabilities

(a) Any applicant for a registration or permit to operate a vehicle on Village streets shall be deemed to be the agent of the owner of such vehicle for the purposes of this Chapter.

(b) Any person applying for a registration or permit to operate a vehicle on Village streets shall be deemed to have agreed as agent of the owner to indemnify the Village from any specific damage done to any Village asset by such vehicle. Further, any person applying for a registration or permit to operate a vehicle on Village streets shall include a written agreement by the applicant as agent of the owner to indemnify and fully hold harmless the Village from any specific damage to any Village asset occasioned by the operation of the registered or permitted vehicle.

(c) Upon identification of any specific damage occasioned to any Village asset by the operation of any vehicle, the Village may undertake the repair and restoration of any such asset to the condition immediately before such damage occurred and may assess the repair costs against the owner of the vehicle causing such damage.

(d) Upon identification of such repair costs, the Village Manager shall cause to be issued to the owner of such vehicle at the owner's address by first class mail, postage prepaid and affixed thereto, an assessment notice. Such notice shall include notification that the Village intends to seek collection of the repair costs from the owner thereof and that the owner shall have a period of ten (10) working days from the date of issuance of such notice in which to notify the Village Manager in writing if such liability is contested in any manner. If not contested by the owner, the assessment notice shall become the final assessment. If the owner of such vehicle shall contest any aspect of the assessment notice, the owner shall do so in writing delivered to

the Village Manager within ten (10) days of the date of the assessment notice and the Village Manager shall then schedule a hearing to be conducted not less than ten (10) working days after receipt of the notice. At such hearing, the objection of the owner shall be heard and the owner shall have full opportunity to present any objections to such assessment, together with any evidence in support thereof. The Village Manager shall then decide all issues contested by the owner. The Village Manager's decision with regard to all issues contested by the owner, including but not limited to the liability of such owner for repair costs and amount thereof, shall be final. The Village Manager shall notify the owner of the decision and shall deliver written notice of the decision to the owner at the owner's address by placing such notice in the United States mail with first-class postage, prepaid and affixed thereto, within four (4) working days of the hearing. Such notice shall then become the final assessment. The owner shall have fifteen (15) working days from the date of mailing of the final assessment in which to pay the assessment.

(e) If the owner shall not pay the final assessment within fifteen (15) working days of the date when the assessment becomes final, any registration of permit for operation of the vehicle upon the Village streets shall be revoked and no registration or permit shall be issued thereafter to operate such vehicle on the Village streets until such time as the assessment has been paid in full. Additionally, the Village may seek collection of the assessment through any civil process allowed by law.

(Ord. of 2000-26, § 2, 10-21-2000; Ord. No. 2010-0209, 9-24-2010)

Section 28-6. Penalties

(a) Unless otherwise stated herein on the schedule of penalties, Village enforcement of any penalty for violation of any provision in this Chapter shall be nonexclusive and shall not restrict further enforcement pursuant to G.S. 14-4. Failure to satisfy any civil penalty assessed pursuant to this Chapter within the prescribed time may be recovered by the Village in a civil action in the nature of debt pursuant to G.S. 160A-175.

(b) Penalties for violation of this Chapter shall be set forth on a Schedule adopted from time to time by Resolution of Village Council. Any violation not specified on said table shall be subject to a penalty of \$50.00 pursuant to G.S. 160A-175 and shall be exempt from prosecution under G.S. 14-4.

(c) Any continuing violation hereof shall be deemed a separate offense subject to fine for each calendar day during or on which the violation shall continue.

(d) The civil penalty shall be paid during regular business hours at the office of the Village Clerk or online at the Village website (www.villagebhi.org/payments) within forty-eight (48) hours of issuance of the civil citation. Violation of this section shall be exempt from prosecution pursuant to G.S. 14-4.

Section 28-7 Towing and Impoundment.

(a) **Procedure.** If any vehicle shall be determined by any officer of the Department to be subject to towing and impoundment as an abandoned or a nuisance vehicle, such officer is hereby authorized and empowered to detain the vehicle and order its towing and removal by the Village to an impound area designated by the Village Manager for the safe storage thereof. The officer authorizing towing and impoundment shall secure custody of the impounded vehicle and shall be responsible for the delivery of the vehicle into the custody of any person with whom the Village contracts to tow and/or store vehicles.

(b) **Notice.** The Village shall make a concerted effort to determine the identity of the owner or lawful possessor of the towed and impounded vehicle. Upon identification, the Village will notify the owner or lawful possessor of the fact that the vehicle has been towed and impounded, the place where the vehicle is located, the reason for the towing and impoundment, including any violation with which the owner or lawful possessor is charged, the procedure that must be followed to have the vehicle returned, and the procedure the owner must follow to request a probable cause hearing on the towing. The Village may attempt to give notice to the vehicle owner or lawful possessor by telephone or electronic means; however, whether or not the owner or lawful possessor is reached by telephone or electronic means, written notice, including the

information set forth above, shall, unless waived in writing, also be mailed to the registered owner's last known address.

(c) **Fees.** An owner or lawful possessor seeking to reclaim an impounded vehicle shall be assessed the actual costs incurred by the Village for towing and storage of an impounded vehicle. The Village Manager is authorized and empowered to contract for the towing and storage of vehicles. Any such contract must provide for a schedule of reasonable towing fees and shall be available for inspection with the Village Clerk.

(d) **Reclaiming Impounded Vehicle.** The Department is authorized to retain possession of any vehicle towed pursuant to this Section until such time as the owner or lawful possessor shall appear to claim possession of the vehicle. In order to reclaim possession of any vehicle towed and impounded, including during the pendency of a request for a probable cause hearing, the owner or lawful possessor shall:

- (1) Present evidence of ownership or lawful possession of the vehicle;
- (2) Present evidence that a licensed driver is present and authorized to operate the vehicle on Village streets; and
- (3) Pay all assessed towing and storage costs that accrued during the period of impoundment and sign a receipt confirming the release and return of the vehicle, or post a bond for double the amount of such fees and charges to the contractor with whom the Village has contracted to tow and/or store vehicles.

(e) **Hearing Before Sale or Final Disposition.** After the removal of an abandoned or a nuisance vehicle, the owner or lawful possessor is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing must be filed in writing with the Village Clerk within thirty (30) days of the written notice issued pursuant to this section. Upon receipt of a request for a hearing, the Village Manager shall set a quasijudicial hearing before the Village Transportation Committee, or, if no such Transportation Committee is then-organized and existing, before the Village Council within thirty (30) days of receipt of the request. The Village Manager may establish rules and procedures that govern the appeal and quasijudicial hearing process. The decision of the Transportation Committee or Village Council is subject to further review on appeal to the District Court of Brunswick County by proceedings in the nature of certiorari. Any petition for writ of certiorari shall be filed within thirty (30) days after the date that the Transportation Committee or Village Council issues a written decision.

(f) **Sale and Disposition of Unclaimed Vehicle.** Any vehicle declared to be an abandoned or a nuisance vehicle under this chapter which is not claimed by the owner or lawful possessor may be disposed of by the Village or its contractor for towing and/or storage of vehicles. Disposition of such a vehicle shall be carried out through a procedure similar to that provided in G.S. Chapter 44A, Article 1. If the vehicle is not purchased at sale and the estimated value is less than the amount of fees accrued for towing and storage, the vehicle may be destroyed.

SCHEDULE OF PENALTIES

Violation	Section	Penalties
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		First Offense	Second Offense	Third Offense
NC State Violations May Be Issued for the Following Offenses				
Open Container; Driving Under the Influence	28-31	\$250		
Reckless Driving	28-35	\$250		
Speeding In one calendar year	28-36	\$50	\$75	\$100
Bald Head Island Civil Citations May Be Issued for the Following Offenses				
Helmet	28-30	\$10		
Parking	28-32 (a) All 28-32 (b) Trailers	\$50	\$100	Towing & Impoundment or Removal *
Passing	28-33	\$50	\$100	Towing & Impoundment or Removal *
Prohibited vehicles	28-36	\$75	\$100	Towing & Impoundment or Removal *
Stop Sign	28-37	\$75		
Streets with Vehicle Restrictions	28-38	\$50	\$100	Towing & Impoundment or Removal *
Unlicensed Drivers	28-39	\$250		
Vehicles on Beach	28-40	\$250		
Bald Head Island Civil Citations May Be Issued for the Following Registration-Related Offenses				
Mandatory Registration of Personal-Use Electric Vehicle	28-51	\$50	\$100	Towing & Impoundment or Removal *
Mandatory Permits for Commercial-Use Vehicles	28-71	\$50	\$100	Towing & Impoundment or Removal *
Mandatory Permits for Commercial-Use Trailers	28-93	\$50	\$100	Towing & Impoundment or Removal *
*Actual Cost for Towing and Impoundment, or for Removal of Vehicle from Island				

**Section 28-8. Transition of Compliance with Chapter 28 for Internal Combustion
Engine (I.C.E.) Vehicles**

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The Director, for good cause shown, may grant an exception as needed.

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- 2019-2020 Revised Transportation Ordinance, Traffic and Vehicles approved
Increase daily I.C.E. fees by cost-of-living adjustment, 2000-2019 (47.25%)
- 2020-2021 Increase I.C.E. annual fees by one-half (1/2) cost of living adjustment, 2000-2020
Increase daily I.C.E. fees by cost-of-living-adjustment, 2019-2020
Add I.C.E. Special Use Permits
Required plan for converting to non-I.C.E. vehicles
First-time applicants required to use non-I.C.E. vehicles, as applicable
- 2021-2022 Increase daily I.C.E. fees by cost-of-living adjustment, 2020-2021
Increase annual I.C.E. fees by one-half (1/2) cost of living adjustment, 2000-2021

Show progress on plans to convert to non-I.C.E. vehicles, as applicable
- 2022-2023 Increase daily and annual I.C.E. fees by cost-of-living adjustment, 2021-2022
Report progress on plans for conversion to non-I.C.E. vehicles, as appropriate
Report progress on plans for conversion to non-I.C.E. vehicles, as appropriate
- 2023-2024 Evaluate daily and annual I.C.E. fee increase
Evaluate daily and annual I.C.E. fee increase

ICE vehicles registered under a valid annual permit at time of adoption of this Section may remain and are grandfathered for a period not to exceed [five (5) years]. Where feasible and commercially reasonable, existing I.C.E. vehicles should be replaced with electric vehicles when they cycle out of service or become unserviceable.

Certain non-workday uses do not require daily special permits during the transition period.

Sections 28-9 through 28-29 are reserved.

ARTICLE II

OPERATION OF VEHICLES*

* **State Law References:** Operation of Vehicles and Rules of the Road, G.S. 20-138 et seq.

DIVISION 1 – GENERAL RULES OF THE ROAD

All pedestrians and all operators of all vehicles and devices on the Village streets are subject to and must comply with all basic rules of the road, as well as the General Rules of the Road specified herein.

Section 28-30. Helmet Requirements and Restraining Seat Use Requirements.

(1) A protective helmet is required for any person under the age of sixteen (16) years when operating a human-powered device, such as a bicycle, a tricycle, allowed roller blades, in-line skates or roller skates,

human-powered skateboard, or human-powered scooter on Village streets.

(2) No bicycle operator shall allow anyone under the age of four (4) years, or weighing less than forty (40) pounds, to ride as a bicycle passenger other than in a restraining seat that protects the passenger from moving bicycle parts, unless the passenger is seated astride a permanently affixed seat of a tandem bicycle.

(3) No bicycle operator shall allow anyone under the age of sixteen (16) years to ride as a bicycle passenger unless the passenger is wearing a protective helmet.

(4) No parent or guardian of a human-powered bicycle operator shall knowingly allow a violation of this Section.

(5) It shall be unlawful to rent or lease any bicycle, tricycle, allowed roller blades, in-line skates, roller skates, scooter, or skateboard to or for the use of any person under the age of sixteen (16) years unless:

(a) The person is in possession of a properly fitted protective helmet at the time of such rental or lease; or

(b) The rental or lease includes a properly fitted protective helmet.

(6) Businesses that rent bicycles, tricycles, allowed roller blades, in-line skates, scooters, or skateboards shall post or make available to anyone renting such devices written notice explaining the provisions of this Section.

Section 28-31. Open Container of Alcoholic Beverage

Prohibited. No person shall either possess an alcoholic beverage other than in the unopened manufacturer's original container or consume an alcoholic beverage in a vehicle while on the Village streets. Only the person who possesses or consumes an alcoholic beverage in violation of this Section shall be charged with this offense.

Section 28-32. Parking

Prohibited.

(a) No vehicle or trailer shall be left unattended in a location where it impedes traffic or emergency vehicle access or transit.

(b) No vehicle or trailer shall be parked in a posted "no parking" area.

Section 28-33. Passing

Prohibited. No vehicle towing a trailer is allowed to pass another vehicle or device on Village streets.

Section 28-34. Prohibited Modes of Transportation

(a) **Prohibited.**

(1) Electric skateboards, electric scooters, hover boards, Segways, or similar apparatus are prohibited on Village streets. Only human-powered devices are permitted on Village streets.

(2) Gas-powered golf carts are prohibited on Village streets.

(3) Jet skis are not allowed to be parked on Village streets or launched from the Village docks.

(4) All-terrain vehicles (ATVs), gators, side-by-sides, and similar light-work or recreational vehicles are prohibited on Village streets.

(b) **Exceptions.**

(1) Operators of Bald Head Island Conservancy vehicles may use Village streets solely to access the beaches from the Conservancy campus; and

(2) Operators of Bald Head Club vehicles may use Village streets solely to cross from one portion of golf course property to another.

(3) Government vehicles and emergency vehicles are exempt.

(4) Electrically powered bicycles, tricycles and wheelchairs are exempt.

Section 28-35. Reckless Driving

Prohibited.

(1) It shall be unlawful for any person to operate a vehicle on Village streets carelessly and heedlessly in

willful or wanton disregard of the rights or safety of others.

(2) It shall be unlawful for any person to operate a vehicle on Village streets 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.

(3) It shall be unlawful for any person to operate a vehicle on Village streets in a manner that facilitates the unsafe carriage of passengers while the vehicle is in motion.

(4) It shall be unlawful for any person to operate a vehicle on Village streets that propels a human-powered device and/or its operator by said vehicle.

Section 28-36. Speed Limit

Established. It shall be unlawful to operate a vehicle in excess of eighteen (18) miles per hour on Village streets. Reduced speed zones shall be obeyed.

Section 28-37. Stop Signs

(a) **Intersections.** When a stop sign has been erected or installed at an intersection, it shall be unlawful for the driver of any vehicle or the operator of any device to fail to stop and yield the right-of-way to pedestrians or other vehicles.

(b) **Other Sites.** When a stop sign has been erected or installed at a place other than an intersection, it shall be unlawful for the driver of any vehicle or the operator of any device to fail to stop and yield the right-of-way to pedestrians or other vehicles.

Section 28-38. Streets with Vehicle Restrictions

Prohibited.

(1) It shall be unlawful for any person to use or operate any internal combustion engine (I.C.E.) vehicle on Edward Teach Wynd for purposes of through traffic.

(2) It shall be unlawful for any person to use or operate any internal combustion engine (I.C.E.) vehicle on Maritime Way or Shoals Alley or Timber Bridge without a Special Use Permit.

(3) It shall be unlawful for any person to operate a commercial-use vehicle **in excess of twenty-eight (28) feet in length from bumper to bumper and twelve (12) feet in height** without first securing a Village escort and a map of the expressly approved route of travel.

Section 28-39. Unlicensed Drivers

Prohibited.

(1) It shall be unlawful for any unlicensed driver to operate any vehicle on Village streets. It shall further be unlawful for any person, entity or corporation who is the owner or lawful possessor of any vehicle to permit an unlicensed driver to operate a vehicle on Village streets. It shall be lawful for an individual privileged to operate a vehicle on the streets or highways of the state pursuant to G.S. 20-11(b) - (e) to operate a vehicle on Bald Head Island while in compliance with the requirements and restrictions set forth in G.S. 20-11.

(2) It shall be unlawful for any person to operate a vehicle on Village streets in violation of any limitations or conditions of the operator's driver license.

Section 28-40. Vehicles on Beaches

(a) **Prohibited.** It shall be unlawful for any person to drive a vehicle on the beaches of Bald Head Island.

(b) **Exceptions.** Bald Head Island Conservancy vehicles while being operated for its missions, and government emergency and service vehicles while being operated at the direction or for the benefit of the Village, are exempt from the provisions of this Section.

Sections 28-41 through 28-49 are reserved.

DIVISION 2 – PERSONAL-USE ELECTRIC VEHICLES

All vehicles for personal use must be powered by electricity.

Section 28-50. Purpose

- (a) The purpose and intent of this Division is to subject every personal-use electric vehicle on Village streets to the regulations, registration requirements, and registration fees set forth in this Division.
- (b) Any person who operates a personal-use electric vehicle on Village streets pursuant to the terms of a home or property rental agreement, or with the consent and permission of the vehicle owner, shall be jointly and severally responsible with the owner for the payment of any civil penalty, towing, impoundment, and related fees.

Section 28-51. Mandatory Registration of Personal-Use Electric Vehicles Prohibited.

- (a) No person shall operate any personal-use electric vehicle on Village streets unless properly registered.
- (b) No owner shall fail to secure a registration sticker.
- (c) No owner shall fail to renew an annual registration within thirty (30) days of expiration.

Section 28-52. Registration Requirements.

Persons registering personal-use electric vehicles shall provide the following information:

- (a) Name of owner;
- (b) Addresses and contact information;
- (c) Electric vehicle identification to include make, model, serial number or VIN, and color;
- (d) A signed agreement to obey all Village rules and traffic regulations;
- (e) Insurance in amounts not less than those statutorily required for liability insurance under G.S. 20-279.1 et seq.; and
- (f) Other information as deemed necessary from time to time.

Section 28-53. Personal-Use Electric Vehicle Equipment and Specifications

The original published manufacturer specifications will rule when determining all registration elements that cannot be readily measured, such as weight and horsepower.

- (a) **Physical Inspections.** All personal-use electric vehicles must be physically inspected when being registered for the first time with the Village and must be equipped with the following:
- (1) Front headlights;
 - (2) Rear taillights;
 - (3) Rear brake lights;
 - (4) Rear view mirror with unobstructed view, specifically including an unobstructed view of any trailers being towed;
 - (5) Parking brake; and
 - (6) Seatbelts for all seating positions on the electric vehicle.

~~—(8) Rear facing passenger safety grab bar(s)—~~

Proper functioning of the aforesaid equipment shall be the responsibility of the electric vehicle owner, and the Village assumes no liability with respect to function, operation or inspection of the equipment.

- (b) **Dimension and Weight Limits.** No personal-use electric vehicle shall be registered or approved for use on Village streets if the **overall dimensions** and/or weight of the electric vehicle exceed any of the following dimensions:

- (1) Length: 160.00 inches;
- (2) Height: 84.00 inches;
- (3) Width: 60.00 inches;
- (4) Weight: 1,600.00 pounds. Weight shall be determined by the manufacturer's published data or, if none is available, then by the electric vehicle's curb weight.

(c) Lift Kits: Ride Height Modification Limits.

No personal use electric ~~golf cart (vehicle)~~ vehicle shall be registered or approved for use on the Village's streets with a lift kit which has not been installed by the Original Equipment Manufacturer (OEM) unless it complies with the following specifications:

- (1) Any electric vehicle which has a lift kit installed by the OEM shall not be further lifted by the installation of an after-market lift kit.
- (2) The maximum increase in electric vehicle height is limited to four (4) inches. The amount of lift will be determined by measuring the distance from the road to the top of the floorboard on the lifted electric vehicle and comparing this distance to the same measurement taken on the same model electric vehicle as delivered from the OEM.
- (3) Any electric vehicle which has an after-market lift kit installed must have heavy-duty springs included as part of the modification.
- (4) If any part of the increase in electric vehicle height is the result of the installation of larger tires, these tires must be United States Department of Transportation highway-rated tires with a minimum wheel size of 10.00 inches and a maximum diameter of 23.00 inches.

(d) Horsepower Limits. No personal-use electric vehicle that derives its power from an electric motor that produces 10.0 horsepower or more shall be registered or otherwise approved for use on Village streets.

(e) Unobstructed Views. No personal-use electric vehicle shall be registered or approved for use on Village streets if the operator's view is materially obstructed, obscured, or impaired by any sign, poster, sticker, or other non-transparent material placed upon any front windshield, or side or rear window. This Subsection specifically permits signs, posters, stickers, or other non-transparent materials that do not extend more than twelve (12) inches from the bottom edge or six (6) inches from the top edge of the front windshield.

(f) Registration Fees. The registrations issued pursuant to this Section shall be issued by the Village upon payment of a registration fee as determined by the Village Council from time to time.

(g) Revocation of Registration. For failure to comply with any of the provisions set forth in this Division, the Village in its sole discretion may refuse to register the vehicle or may choose to revoke any registration previously issued.

Section 28-54. Issuance of Registration

(a) Registration Frequency. The owner of every personal-use electric vehicle operated on Village streets must be registered annually with the Village.

(b) Registration Fees and Insurance. The registrations issued pursuant to this Section shall be issued by the Village upon payment of a registration fee as determined by the Village Council from time to time by Resolution and proof of current insurance in amounts not less than those statutorily required for liability insurance under G.S. 20-279.1 et seq.;

(c) Revocation of Registration. For failure to comply with any of the provisions set forth in this Division, the Village in its sole discretion may refuse to register the electric vehicle or may choose to revoke any registration previously issued.

Sections 28-55 through 28-69 are reserved.

DIVISION 3 – COMMERCIAL-USE VEHICLES

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Vehicles powered by internal combustion engines (I.C.E.) and primarily designed for the transport of passengers are prohibited on the Village streets.

Section 28-70. Purpose

The purpose and intent of this Division is to subject every commercial-use vehicle on Village streets to the regulations, permit requirements, and permit fees set forth in this Division.

This Division also is intended to grant special preference to the commercial use of electric golf carts (vehicles) alone or in combination with trailers.

Section 28-71. Mandatory Permits for Commercial-Use Vehicles

(a) **Permit Frequency.** The owner of every commercial-use vehicle operated on Village streets must be permitted annually with the Village.

(b) **Permit Fees and Insurance.** The permits issued pursuant to this Section shall be issued by the Village upon payment of a permit fee as determined by the Village Council from time to time by Resolution and proof of current insurance in amounts not less than those statutorily required for liability insurance under G.S. 20-279.1 et seq.;

(c) **Prohibited.**

- (1) No commercial-use vehicle shall be allowed to remain overnight within the Village for a total of five (5) nights or more, during any consecutive twelve (12) month period if the **overall dimensions** exceed:
 - (a) Pick-up Trucks: length of 215 inches and width of 80 inches
 - (b) Cargo Vans: length of 200 inches and width of 82 inches
 - (c) Box Trucks: length of 28 feet and height of 12 feet

(2) No owner shall fail to secure a permit.

(3) No owner shall fail to renew an annual permit within thirty (30) days of expiration.

(4) No person operating a non-electric commercial-use vehicle shall fail to honor the workday use parameters.

(5) No person shall operate any non-electric commercial-use vehicle on streets with vehicle restrictions without a Special Use Permit.

(6) No person operating a commercial-use vehicle shall fail to comply with the specified terms and conditions of the commercial-use vehicle permit as issued.

(7) All commercial vehicles are subject to Village sign ordinances.

(d) **Revocation of Permit.** For failure to comply with any of the provisions set forth in this Division, the Village in its sole discretion may refuse to permit the vehicle or may choose to revoke any permit previously issued.

Section 28-72. Permit Requirements for Electric Commercial-Use Vehicles

Persons requesting a permit for an electric commercial-use vehicle shall provide the following information:

- (a) Name of owner;
- (b) Addresses and contact information;
- (c) Vehicle identification to include make, model, serial number or VIN, and color;
- (d) Insurance in amounts not less than those statutorily required for liability insurance under G.S. 20-279.1 et seq.; and
- (e) Other information as deemed necessary from time to time.

Section 28-73. Electric Commercial-Use Vehicle Equipment and Specifications

(a) **Physical Inspections.** All electric commercial-use vehicles must be physically inspected when being registered for the first time with the Village and must be equipped with the following:

- (1) Front headlights;
- (2) Rear taillights;
- (3) Rear brake lights;

- (4) Rear view mirror with unobstructed view, specifically including an unobstructed view of any trailers being towed;
- (5) Parking brake; and
- (6) Seatbelts for all seating positions.

Proper functioning of the aforesaid equipment shall be the responsibility of the vehicle owner and the Village assumes no liability with respect to function, operation or inspection of the equipment.

(b) **Dimensions.** No electric commercial-use vehicle shall be permitted or approved for use on Bald Head Island if the overall dimensions exceed:

- (1) Length: 215.00 inches;
- (2) Width: 82.00 inches.

(d) **Unobstructed Views.** No electric commercial-use vehicle shall be registered or approved for use on Village streets if the operator's view is materially obstructed, obscured, or impaired by any sign, poster, sticker, or other non-transparent material placed upon any front windshield, or side or rear window. This Subsection specifically permits signs, posters, stickers, or other non-transparent materials that do not extend more than twelve (12) inches from the bottom edge or six (6) inches from the top edge of the front windshield.

Section 28-74. Permit Requirements for Internal Combustion Engine (I.C.E.) Vehicles

(a) **Filing of Application.** The owner of any I.C.E. vehicle must apply to the Village for a permit to operate the vehicle on Village streets. Applications outlining the process to prove the eligibility and/or need for an I.C.E. vehicle permit may be obtained from the Village. All required information, documentation, and fees may change from time to time by Resolution of Council or determination by the Director or Village Manager.

(b) **Proof of Need for I.C.E. Permit Consideration.** The Village shall review all I.C.E. vehicle permit applications, requested information, and documentation. The Village *may* issue the requested permit for an I.C.E. vehicle if it is determined that the applicant has proven:

- (1) The proposed use of the vehicle meets the need for which the permit is sought; and
- (2) The proposed use of the vehicle may only be met reasonably by use of a vehicle powered by an internal combustion engine; and
- (3) The application complies in all other respects with the aforesaid provisions.

(c) **Permit Requirements.** Should a permit be granted, the permit holder is required to maintain proof of:

- (1) A signed agreement to obey all Village rules and traffic regulations;
- (2) A current vehicle registration;
- (3) A current vehicle inspection pursuant to G.S. 20-183.2;
- (4) Insurance in amounts not less than those statutorily required for liability insurance under G.S. 20-279.1 et seq.; and
- (5) Any other information as may be required and determined by the Village from time to time.

(d) **Permit Fees.** The permits issued pursuant to this Section shall be issued by the Village upon payment of a permit fee as determined by the Village Council from time to time.

(e) **Revocation of Permit.** For failure to comply with any of the provisions set forth in this Division, the Village in its sole discretion may refuse to permit the vehicle or may choose to revoke any permit previously issued.

Section 28-75. Special Use Permit for Internal Combustion Engine (I.C.E.) Vehicles

(a) **Classes of Special Use Permits.**

(1) **Heavy Equipment Vehicles and Public Utility Vehicles.** An annual Special Use Permit may be granted to operate a heavy equipment vehicle on Village streets. The fees associated with such annual Special Use Permits shall be in lieu of all other I.C.E. annual permit fees.

(2) **Public Utility Vehicles.** An annual Special Use Permit may be granted to operate a public utility vehicle on Village streets. The fees associated with such annual Special Use Permits shall be in lieu of all other I.C.E. annual permit fees.

(3) **Workday Hours.** Other than Heavy Equipment Vehicles and Public Utility Vehicles, a Special Use Permit is required to operate any internal combustion engine (I.C.E.) vehicle or commercial-use trailer on Village streets outside workday hours. A daily Special Use Permit fee may be assessed in addition to all required I.C.E. permit fees.

(4) **Streets with Vehicle Restrictions.** A Special Use Permit is required to operate any internal combustion engine (I.C.E.) vehicle or commercial-use trailer on any streets with vehicle restrictions on Bald Head Island. Should there be an established need for repeated use of a restricted street by an I.C.E. vehicle, a Special Use Permit may be granted for the duration of the project.

(b) **Filing of Application.** The application for a Special Use Permit shall contain all information required for a workday permit and, in addition thereto, shall include the following:

- (1) The purposes to be accomplished by the use of the vehicle;
- (2) The reasons justifying that the proposed use may be accomplished only by an I.C.E. vehicle;
- (3) The date of the proposed use of the vehicle;
- (4) The proposed route of travel of the vehicle;
- (5) The specific hours during which the vehicle shall be used;
- (6) Proof that provisions for overnight parking or temporary storage of the vehicle has been made.

(c) **Permit Parameters.** If all information required by the application for a Special Use Permit is submitted, a Special Use Permit may be issued if the need is justified. Any Special Use Permit shall govern the route of travel, the date(s) and times of travel, the amount of the Special Use Permit fee, and any additional restrictions and conditions as the Director shall deem reasonably necessary.

(d) **Permit Fees.** The permits issued pursuant to this Section shall be issued by the Village upon payment of a permit fee as determined by the Village Council from time to time.

(e) **Revocation of Permit.** For failure to comply with any of the provisions set forth in this Division, the Village in its sole discretion may refuse to permit the vehicle or may choose to revoke any permit previously issued.

Section 28-76. Time of Operation

(a) It shall be unlawful for any person to operate an I.C.E. vehicle on Village streets at any time other than during workdays without a Special Use Permit.

(b) The only commercial-use vehicles without workday restrictions are electric commercially modified golf carts and standard electric golf carts.

Section 28-77. Parking of Commercial-Use Vehicles

(a) **Prohibited.** All persons operating commercial-use vehicles on Village streets must make advance arrangements for lawful parking of the vehicle outside workday hours. Proof of these parking arrangements must be presented upon request or readily displayed on the vehicle.

Under no circumstances may a commercial-use vehicle be parked on:

- (1) Village streets or public rights-of-way except while actively loading or unloading;
- (2) Individual lots or multifamily sites zoned for residential purposes pursuant to Chapter 32 of this Code.

(b) **Exceptions.** The prohibitions of sub-section (a)(2) do not apply to those electric vehicles used in the Village for both personal and commercial purposes.

Sections 28-78 through 28-89 are reserved.

DIVISION 4 – TRAILERS

Section 28-90. Purpose

The purpose and intent of this Division is to subject every commercial-use trailer on Village streets to the regulations, permit requirements, and permit fees set forth in this Division.

Section 28-91. Classes of Trailers

(a) Personal-Use Trailers: Registration and Permitting are NOT Required.

- (1) Trailers for boats sixteen (16) feet or less in length.
- (2) Multi-purpose trailers such as those used for gardening or transporting beach and fishing paraphernalia.

(b) Commercial-Use Trailers: Registration and Permitting are Required.

- (1) A trailer that is parked for a considerable period of time while construction of improvements is ongoing on the property where parked.
- (2) A trailer that is used to transport goods, materials, and/or equipment from job site to job site during workdays.
- (3) No commercial-use trailer shall be permitted or approved for use on Village streets if the overall width exceeds seven (7) feet at its widest point from outside wheel edge to outside wheel edge and the overall length exceeds twenty (20) feet not including the tongue.

Section 28-92. Permit Requirements

(a) *Personal-Use Trailers.* Personal-use trailers are NOT subject to registration and permitting.

(b) *Commercial-Use Trailers.* Persons seeking a permit for a commercial-use trailer shall provide the following information:

- (1) Name of owner;
- (2) Addresses and contact information;
- (3) Trailer identification to include make, model, serial number or VIN, and color, if available;
- (4) A signed agreement to obey all Village rules and traffic regulations;
- (5) Other information as deemed necessary from time to time.

Section 28-93. Mandatory Permits for Commercial-Use Trailers

(a) *Prohibited.*

- (1) No person shall tow a commercial-use trailer unless properly permitted.
- (2) No owner of a commercial-use trailer shall fail to secure a permit for the trailer.
- (3) No owner of a commercial-use trailer shall fail to renew an annual permit within thirty (30) days of expiration.
- (4) No person towing a commercial-use trailer shall fail to honor the workday use parameters.
- (5) No person shall tow any commercial-use trailer on Village streets with Special Restrictions without securing a Special Use Permit.
- (6) No person towing a commercial-use trailer shall fail to comply with the specified terms and conditions of the commercial-use trailer permit as issued.
- (7) All commercial trailers are subject to the Village sign ordinances.

(b) *Revocation of Permit.* For failure to comply with any of the provisions set forth in this Division, the Village in its sole discretion may refuse to register the cart or may choose to revoke any registration previously issued.

Section 28-94. Special Use Permit

(a) A Special Use Permit is required to tow any commercial-use trailer on Village streets outside workday hours. The application for a Special Use Permit shall contain all information required for a workday vehicle

permit and, in addition thereto, shall include the following:

- (1) The purposes to be accomplished by the use of the trailer;
- (2) The reasons justifying that the proposed use may be accomplished only by a commercial-use trailer;
- (3) The date(s) of the proposed use of the trailer;
- (4) The proposed route of travel of the trailer,
- (5) The specific hours during which the trailer shall be used; and
- (6) Proof that provisions for overnight parking or temporary storage of the trailer has been made.

(b) If all information required by the application for a Special Use Permit is submitted, a Special Use Permit may be issued if the need is justified. Any Special Use Permit shall govern the route of travel, the date(s) and times of travel, the amount of the Special Use Permit fee, and any additional restrictions and conditions as the Director or Village Manager shall deem reasonably necessary.

Section 28-95. Time of Operation

It shall be unlawful for any person to tow a commercial-use trailer on Village streets at any time other than during workdays without a Special Use Permit.

Section 28-96. Parking of Commercial Trailers

(a) Prohibited.

(1) All persons towing commercial-use trailers on Village streets must make advance arrangements for the lawful parking of the trailer outside workday hours.

(2) All commercial-use trailers must be parked in Contractor Services or in a Village-designated commercial parking site.

(3) At no time may a commercial-use trailer be parked on a Village street or public right-of-way including medians.

(b) **Exceptions.** Commercial-use trailers used to facilitate construction may be parked overnight on the property upon which the construction is ongoing.

Section 28-97 through 28-109 are reserved.

DIVISION 5 - TAXICABS AND TAXICAB DRIVERS

Section 28-110. General

(a) Operation of taxicabs on Bald Head Island shall be in accord with Chapter 28, as well as all other applicable laws, regulations, and other ordinances.

(b) **The Village Manager, in the interest of public health and safety, may revoke, modify or deny a taxicab approval or taxicab driver permit.**

(c) All taxicabs on Bald Head Island, both in-service and out-of-service, shall park and operate only in areas, upon roadways, and during operating hours as designated by the Village Manager.

(d) Taxicabs shall operate on an on-call basis unless otherwise approved by the Village Manager.

(e) The Village Manager may determine a fee schedule for taxicab fares, a copy of which must be posted in each taxicab in a location visible from the passenger area of the vehicle.

(f) No taxicab shall be allowed to pull a trailer or other additional storage device *that extends the vehicle's total length beyond that at the time of approval under section 28-94.*

(g) All taxicab operators shall maintain such insurance coverage with limits and provisions as the Village may from time to time require for motor vehicle and commercial general liability coverage with minimum limits of \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate. Coverage must be issued by reputable insurers acceptable to the Village. The policies shall name the Village as an additional named insured and contain a waiver of subrogation against the Village. The taxicab operator shall maintain worker's compensation coverage, as required by law. The taxicab operator must provide proof of coverage prior to commencing operation and upon request by Village.

(Ord. No. 2011-0101, 1-21-2011)

Section 28-111. Written Approval of Taxicabs Required

(a) **Filing of Request.** Pursuant to Session Law 1997-324, The Village of Bald Head Island Charter, Article X, Section 10.1, all taxicabs operating within the Village must receive written approval by the Village. A taxicab operator must submit a written request for Village approval to the Village Manager.

(b) **Taxicab Approval Limit.** The Village Manager shall approve no more than three (3) taxicabs for any taxicab operator and not more than six (6) taxicabs to operate within the Village, with the following exceptions:

(1) A taxicab operator approved by the Village pursuant to this Division may also apply for, and at the Village Manager's discretion, be granted approval for backup taxicabs. Only three (3) of the taxicabs of any taxicab operator may be in service at any given time. The approval of the backup taxicabs shall not be counted when determining how many taxicabs the Village has approved. The out-of-service taxicabs may be kept on-island in a location approved by the Village Manager.

(2) If the operation of an approved and permitted taxicab ceases for greater than thirty (30) days, or fails to begin within thirty (30) days of the application for approval, for any reason other than a seasonal hiatus, the Village may cancel the approval and approve another taxicab.

(c) **Request Contents.** The request for Village approval shall include the following:

- (1) The owner of the vehicle's full legal name and address;
- (2) A copy of the vehicle registration;
- (3) Proof of insurance in accordance with this Division;
- (4) Proposed fare rates;
- (5) Proposed hours of operation;
- (6) Proposed dispatch location; and
- (7) Other requirements as determined by the Village Manager.

(d) **Amendments.** A taxicab operator must immediately inform the Village Manager of any changes to the required contents above and the Village may modify or revoke its prior approval.

(e) **Term.** The term of any approval shall be two (2) years. Thereafter, the taxicab operator must reapply. (Ord. No. 2011-0101, 1-21-2011)

Section 28-112. Taxicab Driver's License Required

Each taxicab applicant must possess and maintain a valid taxicab driver's license and insurance as required by all applicable laws, regulations, and ordinances, and must submit copies of all license and insurance information with the Director for verification. Each taxicab applicant must submit a written application to the Director to operate a vehicle on the Village streets and must provide a current driving record. Additionally, in granting or issuing the permission to operate on the Village streets, the Director may require each applicant to submit to drug screening and may consider

- (1) Violation of any federal or state law relating to the use, possession, or sale of alcoholic beverages or narcotic or barbiturate drugs; and
- (2) Addiction to or habitual use of alcoholic beverages or narcotic or barbiturate drugs.

Other requirements or conditions regarding the applications may be imposed by the Village Manager as may be deemed in the interest of public health and safety, and in accord with Session Law 1997-324, The Village of Bald Head Island Charter, Article X, Section 10.1, and N.C.G.S. §160A-304, and a permit fee may be assessed as determined by the Village Manager, not to exceed the statutory limits set forth in N.C.G.S. §160A-304.

Sections 28-113 through 28-129 are reserved.

**ARTICLE III
HARBOUR VILLAGE PARKING DISTRICT**

Section 28-130. Establishment

(a) There is hereby established on Bald Head Island the Harbour Village Parking District ("District"). The

purpose hereof is to promulgate and adopt certain regulations and policies pertaining to the parking of vehicles and trailers within the District.

(b) The District shall include the right-of-way boundaries of those public streets and alleys that have been dedicated and accepted by the Village including: Keelson Row; Leeward Court; Windward Court; Tanbark Court; Transom Row; Turks Head Court; Row Boat Row; Brinkman's Alley; Pequod Alley; and Ebenezer Alley; in addition to such adjoining areas as may be identified within the terms of this Article. It is acknowledged that a portion of the District lies outside of the Harbour Village subdivision boundary.

(c) There are created hereby the following parking use designations within the District:

- (1) No parking overnight;
- (2) Yacht Club parking only;
- (3) Overnight parking Harbour Village resident decal only; and
- (4) No parking.

There is attached to Ordinance Number 2013-0202 and made a part of this Article a plat of the District ("District Overlay") with a color-coded overlay that depicts various use control and designated parking areas within the District ("parking spaces"). The Council may, from time to time, amend the parking use designations and parking spaces by amendment of the plat attached to Ordinance Number 2013-0202. The then-current version of the plat shall be maintained at Village Hall. (Ord. No. 2013-0202, 2-20-2013)

Section 28-131. General Provisions

(a) Limited duration general parking shall be available in the parking spaces within the District between the hours of 6:00 o'clock a.m. and 2:00 o'clock a.m. (the following date), except as provided herein. However, persons are prohibited from parking in such a manner as to block any driveway or the entrance to any garage or crofter structure, any marked public beach access or the marked vehicular access point on Row Boat Row.

(b) Decals for controlled overnight or twenty-four-hour (24-hour) parking in the parking spaces shall be available in those color-coded areas depicted on the District overlay and including areas designated for:

- (1) Yacht Club/Marina Patron only overnight parking,
- (2) Harbour Village resident only overnight parking and
- (3) Harbour Village Inns overnight parking.

Decal holders shall also observe overnight parking prohibited; parking prohibited; and side of street parking requirements. Decals shall only be issued to those providing satisfactory evidence of entitlement thereto.

(c) It shall be a violation of this Article to park within the Harbour Village in contravention of the requirements hereof.

(d) Parking decals shall be available only to the following persons or entities:

- (1) Harbour Village residents and improved property owners;
- (2) Harbour Village Inns and lodging facilities located upon the Harbour Village lots for which such land use is permitted;
- (3) The owners of the limited commercial-use properties designated as HV lots numbers 86 and 87; and
- (4) Yacht Club members and Marina Patrons.

Harbour Village residents and improved property owners shall be entitled to one (1) decal per property; the Inns shall be entitled to two (2) decals per platted lot occupied by the Inn. HV 86 and 87; owners shall be entitled to one (1) decal per property; and Yacht Club members/Marina Patrons shall be entitled to a total of one hundred and fifty-five (155) decals; of which twelve (12) decals shall be issued to Bald Head Island Limited, LLC and ten (10) decals shall be issued to the Bald Head Island Club.

(e) Marina Patrons shall be defined as owners or operators of vessels occupying a slip attached to a membership owned and leased by the *Bald Head Island Club*; owners or operators of vessels occupying a slip attached to a membership owned and leased by Bald Head Island Limited, LLC; owners and operators of transient vessels who secure vehicle access and 24-hour parking privileges for the duration of their moorage agreement; the *Bald Head Island Club*; and Bald Head Island Limited, LLC; and owners or operators of

vessels occupying a slip that is attached to a Bald Head Island Yacht Club membership under the terms of a rental or moorage agreement with the Yacht Club member.

(f) Recognizing that Yacht Club members and Marina Patrons may have particular needs related to transporting safety equipment and other equipment and supplies related to safe vessel operation and in order to assist access to the marina and moored vessels by persons with disabilities, there is created within the District limited areas designated as Yacht Club only parking as same are depicted on the District overlay.

(g) Marina day visitors who own, lease or otherwise utilize a vehicle shall park in accordance with the general parking provisions hereof, including subsection (b).

(h) All persons shall observe and comply with all parking control signage posted within the District including as the same pertain to permitted and controlled use areas, pull in and parallel only parking and parking prohibition.

(i) No person shall park or otherwise leave unattended any vehicle or related apparatus that interferes with the reasonable access to the Harbour Village or Village Department of Public Safety vehicles and equipment. Department staff and personnel may use any such means as are necessary to remove any obstructions and facilitate access and passage by responding vehicles and equipment.

(Ord. No. 2013-0202, 2-20-2013)

Section 28-132. Administration

(a) Administration of this Article shall be handled by the Village Department of Public Safety utilizing such staff positions as may be directed by the Village Manager and the Director of Public Safety. Responsibilities shall include issuance and control of the District parking decals and ordinance enforcement. In their discretion the Village Council and Village Manager may assign and delegate these functions to a contracted private party.

(b) Parking decals shall be issued on a calendar year basis and shall become available as of November 1 of the current year for the succeeding year. Decal design and color scheme may change annually in order to aid in the ease of identification and enforcement. The Department of Public Safety may collect an annual fee for the issuance of each decal.

(c) Persons and entities who qualify for a parking decal shall fill out a request form at the Department of Public Safety and shall submit with the request satisfactory proof of their ownership of one of the qualifying properties or status as a Yacht Club member/Marina Patron. To assist in this process the Yacht Club shall furnish on at least an annual basis a current list of members in good standing and the names of any individuals whose vessels currently occupy a slip in the marina under the terms of a long term slip rental agreement.

(d) Persons to whom a parking decal is issued shall report at the Department of Public Safety to have the decal affixed to the designated vehicle. Individual persons and entities may qualify for multiple decals if they are the owner of more than one qualifying Harbour property or if they own one or more qualifying properties and are also Yacht Club members/Marina Patrons. Decals are nontransferable and shall remain affixed to the vehicle and clearly visible.

(e) Decal holders who sell or dispose of a vehicle within a given year may obtain a replacement decal from the Department of Public Safety upon return of the existing decal or submission of satisfactory evidence of the destruction of the existing decal, and submission of satisfactory proof that they remain entitled to issuance of a decal under the terms of this Article.

(f) The Village may enter into an agreement on mutually agreeable terms with Bald Head Island Limited, LLC, as manager for the Bald Head Island Yacht Club, securing its services to continue issuance of the following parking decals and/or hang tag displays:

(1) *Owners or operators of vessels occupying a slip attached to a membership owned by the Bald Head Island Club;*

(2) *Owners or operators of vessels occupying a slip attached to a membership owned by Bald Head Island Limited, LLC for a period less than an annual lease agreement; and*

(3) *Owners and operators of transient vessels who secure vehicle access and 24-hour parking privileges for the duration of their moorage agreement.*

(Ord. No. 2013-0202, 2-20-2013)

Section 28-133. Enforcement and Penalties

- (a) Vehicles that are parked within the District in violation of the terms of this Article are subject to being ticketed by a member of the Department of Public Safety, immobilization of the vehicle and removal (towing) to a vehicle storage area. Such vehicles and their owner/operator shall also be subject to the fines, fees and charges set out herein. Violation of this Article shall be exempt from prosecution pursuant to G.S. 14-4.
- (b) In those instances where a vehicle is ticketed but the violation of this Article is abated prior to immobilization or removal of the vehicle the owner/operator of the vehicle shall pay a fee in the amount of \$50.00 pursuant to G.S. 160A-175.
- (c) When a vehicle is immobilized but the owner/operator returns to the vehicle prior to removal such person may have the immobilization device removed upon the payment of a \$75.00 removal fee.
- (d) Removed vehicles may be reclaimed by the owner/operator on Monday through Friday between the hours of 9:00 a.m. and 4:00 p.m. The fee to reclaim the vehicle shall be \$125.00 for the first offense and this fee shall include two days of storage charges. Thereafter, the storage fee shall be an additional \$5.00 per day until the vehicle is reclaimed. The reclamation fee for the second offense and any subsequent offenses shall be \$250.00, which shall include two days of storage charges with the assessment of additional storage at the rate of \$5.00 per day until the vehicle is reclaimed.
- (e) It shall be a violation of this Article for any person to remove, alter or transfer a duly issued and affixed parking decal from the registered vehicle to another vehicle. It shall also be a violation of this Article for any person to knowingly affix a lost, stolen, altered or counterfeit parking decal to any vehicle. Persons violating this Subsection shall be subject to citation and payment of a fee in the amount of \$50.00 pursuant to G.S. 160A-175.
- (f) Persons guilty of repeated violations of this Article (more than three (3) violations in any twelve (12) month period) are subject to forfeiture of the right to secure the issuance of a parking decal for their vehicles at the discretion of the Director or Village Manager.
- (g) Persons who operate any vehicle on Bald Head Island pursuant to the terms of a home or property rental agreement or with the consent and permission of the vehicle owner shall be jointly and severally responsible, with the owner, for the payment of any civil penalty, immobilization device removal fee, vehicle reclamation fee and vehicle storage fee.
- (h) The Village shall post signage within the rights-of-way of Harbour Village streets and alleys advising that overnight and extended duration parking within the Harbour Village is decal-controlled and that persons violating the terms of the Village ordinance pertaining thereto are subject to fines, charges, vehicle immobilization and vehicle removal. Signage shall also advise regarding permitted parking practices and areas where parking is prohibited.
- (i) The Village may enter into an agreement with Bald Head Island Limited, LLC, or other private parties, upon mutually agreeable terms to serve as the enforcement contractor to issue citations and perform attachment of immobilization devices, removal of immobilization devices, vehicle removal and storage services and the processing of vehicle reclamation.
- (j) The Village Council may amend the amounts of the fees set forth in this section by adoption of a fee schedule. The then-current version of the fee schedule shall be maintained at Village Hall.
- (Ord. No. 2013-0202, 2-20-2013)

Section 28-134. Exemptions.

- (a) The owner or operator of a vehicle that has been rendered immobile or inoperable for mechanical reasons not related to the negligent or intentional conduct of the owner or operator shall be exempt from the provisions of this Article for a period of seventy-two (72) hours, provided that such person advises the Director of such circumstances and provides the Director with their name, contact information, the Village vehicle permit registration number, a vehicle description and the location of the vehicle.
- (b) If a stolen vehicle or vehicle taken without the consent of the owner or operator is parked in violation of

this Article, it shall be exempt from the terms hereof provided the owner or operator of the vehicle advises the Director of such circumstances and provides the Director with their name, contact information, the Village vehicle permit registration number and a description of the vehicle. This exemption shall last for a period of seventy-two (72) hours following discovery of the vehicle parked within the District and notice of same provided to the owner or operator.

(c) Exemptions shall not apply in the case of any vehicle left or parked within the District in such a manner as to impede safe usage of the Harbour Village streets and alleys, access by emergency vehicles, equipment and responders, and safe pedestrian traffic.

(Ord. No. 2013-0202, 2-20-2013)

Sec. 28-135. Miscellaneous Provisions

(a) This Article shall become effective upon execution and delivery of those documents and completion of those actions set forth in the Resolution of Village Council Regarding Harbour Village Street Dedication, Parking Ordinance and Related Agreements adopted January 18, 2013. Satisfaction of these requirements shall be evidenced by a letter from the Village Manager delivered to the Village Clerk stating the date of satisfaction.

(b) Nothing contained herein shall limit, restrict or obviate the rights of the Harbour Association and Bald Head Island Limited, LLC to regulate, control and limit parking and other usage of Harbour Village common areas, private property, and other areas outside of Village dedicated rights-of-way.

(c) The Village Manager shall have the power reasonably and temporarily to abate the strict enforcement of this Article during the periods of Village special events and holidays and only for the duration of such special events and holidays.

(d) The Director and Village Manager shall have the discretionary power to waive or set aside the strict enforcement of this Article and the collection of any fine, fee or charge for hardship or other just cause shown.

(Ord. No. 2013-0202, 2-20-2013)

Sections 28-136 through 28- 149 are reserved.

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