

ORDINANCE NO. 2018-_____

AN ORDINANCE OF THE VILLAGE OF BALD HEAD ISLAND, NORTH CAROLINA TO INCREASE THE PENALTY FOR OPERATION OF AN ELECTRIC CART BY AN UNLICENSED DRIVER

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-174, the Village of Bald Head Island (the “Village”) may enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and peace and dignity of the Village; and

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-175, the Village may adopt, establish and amend procedures for enforcement of ordinances, including the imposition of fines and penalties for ordinance violations; and

WHEREAS, pursuant to section 10.1 of the Charter of the Village of Bald Head Island, N.C., the Village is authorized to regulate motor vehicles and other means of transportation, specifically including regulation of all electrically powered vehicles, within the jurisdiction of the Village; and

WHEREAS, the Village Transportation Committee has recommended that the penalty for operation of an electric cart on the Island by an unlicensed driver be increased from \$50.00 to \$500.00; and

WHEREAS, for public safety and orderly transportation, the Village Council finds it is in the best interest of the Village to amend section 28-91 of the Code of Ordinances to increase the penalty for operation of an electric cart on the Island by an unlicensed driver.

NOW, THEREFORE, BE IT ORDAINED, by the Village of Bald Head Island, North Carolina:

Section 1. That section 28-36 of the Village Code is hereby deleted in its entirety.

Section 2. That section 28-91 of the Village Code is hereby amended and restated to read as follows:

Sec. 28-91. Operation of electric carts by unlicensed drivers.

(a) *Prohibited.* It shall be unlawful for any unlicensed driver to operate an electric cart on the streets of the village. It shall further be unlawful for any person, entity or corporation who is the owner of an electric cart to permit an unlicensed driver to operate an electric cart on the streets of the village. It shall be lawful for an individual privileged to operate a motor vehicle on the streets or highways of the state pursuant to G.S. 20-11(b) - (e) to operate an electric cart on the streets of the village, so long as they comply with the requirements and restrictions set forth in G.S. 20-11.

(b) *Penalties.* Any person who shall violate this section shall be required to pay a penalty in the amount of \$250.00 pursuant to G.S. 160A-175. Any individual cited for violation of this section shall pay the civil penalty at the office of the village clerk within 48 hours following receipt of the citation.

Section 3. This ordinance shall be effective upon its adoption.

PASSED AND ADOPTED by the Village Council, this the _____ day of _____, 2018.

BY: _____
J. ANDREW SAYRE, Mayor

ATTEST:

DARALYN SPIVEY, Village Clerk

1st Reading:
2nd Reading:
Board Action