



Nice Matters!

Town of Emerald Isle
7500 Emerald Drive
Emerald Isle, NC 28594

252-354-3424 voice
252-354-5068 fax

www.emeraldisle-nc.org

Mayor
Eddie Barber

Mayor Pro-Tem
Floyd Messer, Jr.

Board of Commissioners
Candace Dooley
Steve Finch
Jim Normile
Maripat Wright

Town Manager
Frank A. Rush, Jr.
frush@emeraldisle-nc.org



ORDINANCE AMENDING CHAPTER 5 – BEACH AND SHORE REGULATIONS – OF THE CODE OF ORDINANCES REGARDING BEACH DRIVING PERMIT DECALS

WHEREAS, the Town's ordinances permit beach driving during the fall, winter, and spring months to make it easier for fishermen, surfers, older individuals, and others to access the beach for recreational pursuits, and

WHEREAS, a special beach driving permit is required, and additional clarification is needed in the Town's ordinances regarding the placement of beach driving permit decals on the windshield in order to make it easier for the Police Department to enforce the Town's ordinances, and

WHEREAS, beach driving permits are intended only for the vehicle that has been issued the permit, and additional authority is needed for the Police Department to revoke permits that are transferred illegally,

NOW, THEREFORE, BE IT RESOLVED by the Emerald Isle Board of Commissioners that

1. Chapter 5 – Beach and Shore Regulations, Section 5-61. Permit requirements, is hereby amended to read as follows:

Sec. 5-61. - Permit requirements.

- (a) The town manager, or his/her authorized designee, is authorized to issue permits for motor vehicles to travel on the public trust beach area, provided the applicant meets the following criteria:
 - (1) The applicant must possess a valid driver's license, and must present a valid vehicle registration card;
 - (2) The vehicle must be equipped with four-wheel drive;
 - (3) The vehicle must be insured to meet the minimum liability insurance limits outlined in G.S. 20-279;
 - (4) The applicant must read and sign a statement that he/she understands and agrees to abide by the requirements of this article;
 - (5) The applicant shall pay the required permit fee established by the board of commissioners.
- (b) Failure to meet the criteria in subsection (a) shall result in denial of the permit.
- (c) The permit sticker decal must be permanently affixed and displayed on the lower corner of the windshield on the driver's side of the vehicle to which it is issued. All decals from previous years must be removed.
- (d) Permits shall not be issued for all-terrain vehicles, utility vehicles, or other motorized vehicles not registered with the state.

2. Chapter 5 – Beach and Shore Regulations, Section 5-66. Violations, revocation of permit, is hereby amended to read as follows:

Sec. 5-66. - Violations, revocation of permit.

- (a) Violations of this article shall subject the offender to a criminal misdemeanor under G.S. 14-4, provided, however, if the violation is concerned with the operation of the vehicle, the same shall constitute an infraction under G.S. 14-4.
- (b) Violations of this article involving threatened or endangered species shall subject the offender to civil and criminal penalties imposed by the United States Fish and Wildlife Service. The town will forward all enforcement actions to the United States Fish and Wildlife Service for maximum enforcement action.
- (c) The town manager, or his/her authorized designee, shall have the authority to revoke a permit issued under this article for one (1) or more violations of this article. ~~The town manager shall consider the number, nature, and intent associated with the violation(s) shall be considered in making a determination to~~ revoke a permit, and shall also determine the timeframe said permit is revoked.
- (d) The police department shall have the authority to immediately seize and revoke any permit that is being used by a vehicle to which it is not assigned.

- 3. The Town Clerk is authorized to amend the sections as set forth above.
- 4. This ordinance shall become effective immediately upon its adoption. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Adopted this the 13th day of December, 2016, by a vote of


Commissioner(s) Doolay, Finch, Messer, Normile, Wright voting for,

Commissioner(s) _____ voting against, and

Commissioner(s) _____ absent.


Eddie Barber, Mayor

ATTEST:


Rhonda Ferebee, Town Clerk

