

Town of Kill Devil Hills
Regulations Governing Off-Road Vehicles

§ 96.10. Driving on sand dunes.

No persons shall drive any type of vehicle, including but not limited to bicycles, automobiles, motorcycles, dirt-bikes, ATVs and beach buggies on sand dunes within the town, provided that this prohibition shall not include police and other emergency vehicles.

§ 96.20. Generally.

(A) No person shall operate any vehicle of any type, such as a beach buggy, jeep, motorcycle, bicycle, dirt-bike, any two-, three-, four- or more wheeled vehicle powered by any type of motor or physically propelled on the ocean beach area from May 1 through September 30.

(B) This section shall not prohibit the use of specified vehicles from that area seaward of and including the frontal dune system by commercial anglers engaged in commercial fishing activities.

§ 96.21. Permits.

(A) *Eligible vehicles.* Permits shall be issued only for properly registered and licensed vehicles having a four-wheel drive or an all-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 of Kill Devil Hills; or, the appropriately designated employee of the Town of Nags Head; or, at fishing tackle shops designated by the Town of Nags Head. A permit issued hereunder shall be valid from 12:01 a.m. October 1 and shall expire at 12:00 midnight on April 30 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 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 licensing, inspection and financial requirements as set out in subsection (A) of this section.

(3) Short-term permits up to 14 days duration may be issued.

(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 short-term/up to 14 days duration permit, a paper permit may substitute for a device or insignia which must be visibly placed on the dashboard when the vehicle is 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.

§ 96.22. Rules of operation; operation on beaches.

A. Vehicles operated on the ocean beach in Kill Devil Hills shall be operated in accordance with the following rules:

(1) 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. No vehicle shall at any time cross to the beach unless crossing at designated accesses.

(2) No vehicle shall be operated on the beach at a speed in excess of twenty-five miles per hour.

(3) No vehicle shall be operated west of the "toe of slope" of the dune except in going to and from the beach area at authorized vehicular beach access points. However, nothing contained in this section 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 slope" may be located west of the private property east boundary, which extends to the mean high water mark of the ocean.

(4) No vehicle shall be operated between the waterline and the high tide mark (commonly referred to as the "wet sand" area).

(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, including swimmers, bathers, and sunbathers shall have the right-of-way over all vehicles being operated on the beach.

(7) The ordinances adopted herein and the provisions of Chapter 20 of the North Carolina General Statutes (NCGS) shall be enforced on the ocean beaches within the boundaries of Kill Devil Hills as provided by NCGS 160A-205, NCGS 160A-175, and NCGS Chapter 20.

(8) 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.

§ 96.23. Exceptions.

(A) Agencies of the United States government, law enforcement agencies, fire departments, ocean rescue services, wildlife protection and/or conservation organizations, emergency medical services, and employees, agents, contractors and subcontractors for the Town of Kill Devil Hills, including those conducting beach restoration or protection work, engaged in their official duties are exempt from the provisions of this chapter. The police chief or his designee may, from time to time, allow such other services and/or governmental agencies to utilize town beaches with such conditions as may be established on a case by case basis provided that such utilization is for the public benefit.

(B) The date and time limitation provided in section 96.21 shall not apply to commercial anglers holding a valid state commercial angler's license when engaged in commercial fishing activities.

§ 96.24. Closure.

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 the town manager or the town employees subject to the town manager's authority, it is determined that the width of the beach between the toe of the slope of the dune and the area affected by 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 or stable to support vehicular traffic.

§ 96.25. Violations, revocation of permit.

(A) Violations of town ordinances shall subject the offender to a criminal misdemeanor under NCGS 14-4. Violations of Chapter 20 of the North Carolina General Statutes shall be punished as provided by the North Carolina General Statutes.

(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 police chief or his designee shall have the authority to revoke a permit issued under this article for one (1) or more violations of this article. The police chief or his designee shall consider the number, nature, and intent associated with the violation(s) in making a determination to revoke a permit, and shall also determine the timeframe said permit is revoked.