

1 **AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS**
2 **AMENDING SECTION 10-62(e) OF THE CURRITUCK COUNTY CODE OF**
3 **ORDINANCES TO ADD A CRIMINAL PENALTY FOR VIOLATION**

4 WHEREAS, pursuant to N.C. Gen. Stat. §153A-121 a county may by ordinance define,
5 regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or
6 welfare of its citizens and the peace and dignity of the county; and

7 WHEREAS, pursuant to N.C. Gen. Stat. §153A-145.3 a county may, by ordinance, define,
8 prohibit, regulate, or abate acts, omissions, or conditions upon the State’s ocean beaches and
9 prevent or abate any unreasonable restriction of the public’s right to use the State’s ocean beaches;
10 may regulate, restrict, or prohibit the placement, maintenance, location or use of equipment,
11 personal property, or debris upon the State’s ocean beaches; and may otherwise enforce any
12 ordinance adopted pursuant to this section or any other of provision of law upon the State’s ocean
13 beaches located within the county’s jurisdictional boundaries; and

14 WHEREAS, pursuant to Section 1 of Chapter 875 of the 1985 Session Laws, as amended
15 by S.L. 1998-64 and S.L. 2001-33 the county may by ordinance regulate, restrict, and prohibit the
16 use of dune or beach buggies, jeeps, motorcycles, cars, trucks, or any other form of power-driven
17 vehicle specified by the county’s governing board on the foreshore, beach strand and barrier dune
18 system; and

19 WHEREAS, pursuant to N.C. Gen. Stat. § 14-4, if any person shall violate an ordinance of
20 a county, city, or town regulating the operation or parking of vehicles, he or she shall be responsible
21 for an infraction and shall be required to pay a penalty of not more than fifty dollars (\$50.00); and
22

23 WHEREAS, pursuant to NC Senate Bill 300, if an ordinance creates a criminal penalty for
24 violation, that penalty shall be stated within the ordinance itself.

25 NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners for the County
26 of Currituck, North Carolina as follows:

27 PART I. The Code of Ordinances, Currituck County, North Carolina is amended by rewriting
28 Section 10-62 of the Code of Ordinances to read as follows:

29 **Sec. 10-62. – Blocking Foreshore**

30 (e) Violation of Section. A violation of this section shall be a civil violation subjecting
31 the offender to a civil penalty in the amount of \$50.00 and shall constitute an
32 infraction enforceable under G.S. 14-4.

33 PART II. Severability. All ordinances or parts of ordinances in conflict with this ordinance are
34 hereby repealed. Should a court of competent jurisdiction declare this ordinance or any part of
35 this ordinance to be invalid, such decision shall not affect the remaining provisions of this
36 ordinance or the Code of Ordinances of the County of Currituck, North Carolina.

37 PART III. This ordinance is effective upon its adoption.

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PASSED first reading the 21st day of April, 2025.

ADOPTED at second reading, this 29th day of April, 2025.

S. Paul O'Neal, Chairman

ATTEST:

Leeann Walton, Clerk to the Board

APPROVED AS TO FORM:

Megan E. Morgan, County Attorney

Date adopted: _____

Motion to adopt by Commissioner _____

Second by Commissioner _____

Vote: _____ AYES _____ NAYS