

Town of Emerald Isle, NC – List of ordinances creating criminal offenses pursuant to G.S. 14-4(a).

- Chapter 4 – Fire Department / Article III. – Other Fire Safety Ordinances in General¹

Sec. 4-52 – Interfering with firefighter or fire apparatus

Sec. 4-53 – Riding on fire trucks restricted

Sec. 4-54- Giving false fire alarms; molesting fire alarm, fire-detection or fire extinguishing system

Sec. 4-56 – Tampering with fire hydrants

Sec. 4-58 – Access to premises by fire apparatus

Sec. 4-52. - Interfering with firefighter or fire apparatus.

No person shall interfere with a firefighter in the discharge of his duty or hinder him in the performance of his duty, nor shall any person other than members of the fire department loiter about any fire station or change, handle, or meddle in any manner with any fire engine or any other fire apparatus.

([Ord. of 7-9-13\(2\), § 1](#))

Sec. 4-53. - Riding on fire trucks restricted.

No person other than a bona fide member of the fire department shall mount any fire engine or apparatus before it leaves the station, while on its way to or from a fire, or at any other time, unless by permission of the driver or officer in command of the engine or other apparatus.

([Ord. of 7-9-13\(2\), § 1](#))

Sec. 4-54. - Giving false fire alarms; molesting fire alarm, fire-detection or fire-extinguishing system.

It shall be unlawful for any person to wantonly and willfully give or cause to be given, or to advise, counsel, or aid and abet anyone in giving a false alarm of fire, or to break the glass key protector, or to pull the slide, arm, or lever of any station or signal box of any fire alarm system except in case of fire, or willfully misuse or damage a portable fire extinguisher, or in any way willfully interfere with, damage, deface, molest, or injure any part or portion of any fire alarm, fire detection system, smoke detection, or fire extinguishing system.

([Ord. of 7-9-13\(2\), § 1](#))

Sec. 4-56. - Tampering with fire hydrants unlawful.

It shall be unlawful for any person to injure, deface, open the valves of, tamper with, or otherwise use the fire hydrants of the town, except fire department personnel engaged in the official performance of their firefighting duties. ([Ord. of 7-9-13\(2\), § 1](#))

1

Sec. 4-58. - Access to premises by fire apparatus.

- (a) It shall be the responsibility of the owner or manager of all premises within the town to provide the fire chief with the necessary access codes, cards, or keys in order for fire apparatus to gain entry to such premises when access is controlled by mechanical gates or other such barriers.
- (b) In addition, the fire chief shall be provided with, by the owner or manager of such premises, any special tools or devices to enable the fire department to gain access through the barriers in the event of an interruption in the power supply to the mechanical gates or other such barriers. It shall be the responsibility of the fire chief to distribute any access codes, tools, keys, or other devices to all appropriate town emergency services.
- (c) The installation of tire shredders shall not be allowed within the town. ([Ord. of 7-9-13\(2\), § 1](#))

- Chapter 5 – Beach and Shore Regulations / Article II – Personal Conduct²

Sec. 5-15 – Activities prohibited near ocean fishing piers

Sec. 5-16 – Endangerment of persons and property

Sec. 5-17 – Special restrictions on the operation of personal watercraft

Sec. 5-22 – Alcoholic beverages

Sec. 5-24 – Threatened or endangered species

Sec. 5-15. - Activities prohibited near ocean fishing piers.

- (a) It is important to promote the safety of all user groups in the Atlantic Ocean and on the public trust beach areas, to insure that all user groups have a fair opportunity to enjoy these resources, and to promote harmony among the various user groups
- (b) It shall be unlawful for any person to:
 - (1) Surf within two hundred (200) feet of an ocean fishing pier;
 - (2) Fish from anywhere (other than the ocean fishing pier itself) within a two hundred (200) foot radius of an ocean fishing pier;
 - (3) Operate any boat, personal watercraft, jet ski, wave runner, other vessel, surfboard, water skis, or other similar flotation device within two hundred (200) feet of an ocean fishing pier.
- (c) It shall be the responsibility of the ocean fishing pier owner to delineate the two hundred (200) foot distance in the water and on the land, and said distances shall be certified by a licensed surveyor.
- (d) These restrictions shall apply only between March 16 and November 1 of each year.
- (e) Violations of this section shall subject the offender to a criminal misdemeanor under G.S. 14-4.

([Ord. of 10-8-13, § 1](#))

Sec. 5-16. - Endangerment of persons and property.

- (a) It shall be unlawful for any person to operate any boat, personal watercraft, jet ski, wave runner, other vessel, surfboard, water skis, or other similar device in the Atlantic Ocean, Bogue Sound, and its tributaries in a reckless or negligent manner so as to endanger the life, limb, or property of any person.
- (b) Violations of this section shall subject the offender to a criminal misdemeanor under G.S. 14-4. ([Ord. of 10-8-13, § 1](#))

Sec. 5-17. - Special restrictions on the operation of personal watercraft.

- (a) It shall be unlawful for any person to operate any personal watercraft, jet ski, wave runner, or other similar device at a speed greater than a non-wake or idle speed within two hundred (200) feet of the following:
 - (1) Any ocean fishing pier;
 - (2) Any private pier or structure in Bogue Sound and its tributaries;
 - (3) The shoreline of the Atlantic Ocean, Bogue Sound, and its tributaries.
- (b) Violations of this section shall subject the offender to a criminal misdemeanor under G.S. 14-4.

([Ord. of 10-8-13, § 1](#))

²https://library.municode.com/nc/emerald_isle/codes/code_of_ordinances?nodeId=PTIICOR_CH5BESHRE_ARTII_PECO

Sec. 5-22. - Alcoholic beverages.

- (a) It shall be unlawful for any person to possess or consume spirituous liquor or mixed drinks on the public trust beach areas.
- (b) It shall specifically be lawful for any person at least twenty-one (21) years of age to possess or consume wine or beer on the public trust beach areas, provided that all associated behavior is in compliance with applicable state law.
- (c) Violations of this section shall subject the offender to a criminal misdemeanor under G.S. 14-4.

([Ord. of 10-8-13, § 1](#))

Sec. 5-24. - Threatened or endangered species.

- (a) The taking or harming of any threatened or endangered species, either intentionally or unintentionally, is prohibited, and constitutes a federal offense.
- (b) Violations of this section 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.

([Ord. of 10-8-13, § 1](#))

- Chapter 5 – Beach and Shore Regulations / Article V – Motor Vehicles on the Public Trust Beach Area³

(Entire Article)

Sec. 5-60 – Motor vehicles permitted only during certain times, by permit only

Sec. 5-61 – Permit requirements

Sec. 5-62 – Access to public trust beach area

Sec. 5-63 – Closing of the beach or certain sections to motor vehicle traffic

Sec. 5-64 – Regulations for operating motor vehicles on the public trust beach area

Sec. 5-66 – Violations, revocation of permit

Sec. 5-60. - Motor vehicles permitted only during certain times, by permit only.

- (a) It shall be unlawful for any motor vehicle to travel on the public trust beach area between May 1 and September 14 each year, and also during the period between the Friday prior to Easter Sunday and the Sunday following Easter Sunday.
- (b) The town manager, or his/her authorized designee, is authorized to issue permits for motor vehicles to travel on the public trust beach area between September 15 and April 30 of each year.
- (c) It shall be unlawful for any motor vehicle to travel on the public trust beach area between September 15 and April 30 without securing and displaying the required permit.
- (d) Between September 15 and April 30, motor vehicles are permitted on the public trust beach area during the following hours:
 - (1) From 5:00 a.m. until 9:00 p.m. daily on days subject to daylight savings time;
 - (2) From 5:00 a.m. until 7:00 p.m. daily on days subject to Eastern standard time.

([Ord. of 10-8-13, § 1](#))

Sec. 5-61. - Permit requirements.

³https://library.municode.com/nc/emerald_isle/codes/code_of_ordinances?nodeId=PTIICOR_CH5BESHRE_ARTV_MOVEPTRBEAR

- (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 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.

([Ord. of 10-8-13, § 1](#) ; Ord. of [12-13-16\(2\)](#) , § 1)

Sec. 5-62. - Access to public trust beach area.

- (a) Motor vehicles shall access the beach only at the following vehicle access ramps:
 - (1) At the south terminus of Black Skimmer Drive;
 - (2) At the 90-degree turn in Ocean Drive near the Eastern Ocean Regional Access and NC 58 mile marker 15;
 - (3) At The Point at Bogue Inlet.
- (b) Appropriate signs shall be installed to properly delineate the authorized vehicle access ramps.

([Ord. of 10-8-13, § 1](#))

Sec. 5-63. - Closing of the beach or certain sections to motor vehicle traffic.

- (a) The town manager shall have the authority to close the entire public trust beach area or certain sections to motor vehicle traffic if conditions are detrimental to the health, safety, and welfare of the public and if necessary due to excessive beach erosion.
- (b) The town manager shall also have the authority to close certain sections if necessary to protect threatened and/or endangered species, including, but not limited to, sea turtle nests.
- (c) The town manager shall inform the board of commissioners of such closings for further review at the next regular or special meeting of the board.
- (d) Closed sections shall be appropriately marked so as to adequately inform the public that these sections are closed to motor vehicle traffic.
- (e) It shall be unlawful for any motor vehicle to travel in any section of the public trust beach area that is closed by the town manager.

([Ord. of 10-8-13, § 1](#))

Sec. 5-64. - Regulations for operating motor vehicles on the public trust beach area.

- (a) The permit sticker must be permanently affixed to the vehicle, and must be displayed at all times on the windshield.
- (b) Pedestrians and swimmers shall be deemed to have the right-of-way over motor vehicles, and motor vehicles shall yield to all pedestrians and swimmers.
- (c) The speed limit on the public trust beach area is twenty (20) mph.
- (d) Driving closer than ten (10) feet to the frontal dunes, in or on the frontal dunes, and in or on areas landward of the frontal dunes is prohibited.
- (e) The taking or harming of any threatened or endangered species, either intentionally or unintentionally, is prohibited, and constitutes a federal offense.
- (f) Driving in closed sections, including areas delineating sea turtle nests, is prohibited.

([Ord. of 10-8-13, § 1](#))

Sec. 5-65. - Exceptions.

The following are exempt from the provisions of this article:

- (1) Commercial fishermen holding valid state licenses that are engaged in commercial fishing activities;
- (2) Emergency vehicles and town service vehicles;
- (3) Regulatory, contract, and research activities conducted by governmental officials and researchers;
- (4) Construction activities specifically authorized by the town manager to utilize motor vehicles on the public trust beach area;
- (5) Use of private vehicles in bona-fide emergency situations wherein the protection of a person's well-being and health is involved.

([Ord. of 10-8-13, § 1](#))

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 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.

([Ord. of 10-8-13, § 1](#) ; Ord. of [12-13-16\(2\)](#), § 2)

- Chapter 7 – Emergency Management ⁴

Sec. 7-4 – Prohibitions against the unauthorized copying, dissemination, use and possession of disaster reentry permits

Sec. 7-5 – Penalties for violation

Sec. 7-4. - Prohibitions against the unauthorized copying, dissemination, use and possession of disaster reentry permits.

- (a) *Unauthorized copying and dissemination.* It shall be unlawful for any person, firm or corporation to copy and/or disseminate any disaster reentry permit form which has been designed and approved by the town to be used by persons, firms or corporations for purposes of disaster reentry following a hurricane, storm, natural calamity or state of emergency, except with the prior written permission of the town.
- (b) *Unlawful reproduction.* It shall be unlawful for any person, firm or corporation to counterfeit or otherwise reproduce a disaster reentry permit authorized and produced by the town for purposes of disaster reentry, except with the prior written permission of the town.
- (c) *Unlawful use and possession.* It shall be unlawful for any person, firm or corporation to possess or attempt to use any disaster reentry permit knowing or having reason to believe that the same is a counterfeit or reproduced copy not authorized or issued by the town.

([Ord. of 8-12-14](#), § 1)

- Chapter 8 – Animals / Article VII - Coyotes ⁵

Sec. 8-57 – Coyote trapping permitted

Sec. 8-58 - Violations

Sec. 8-57. - Coyote trapping permitted.

It shall be lawful for a property owner to trap or contract with a licensed trapper for the purpose of removing coyotes from the property, subject to the following provisions:

- (a) The trapper must be properly licensed by the State of North Carolina.
- (b) The property owner is responsible for securing all necessary depredation permits, unless the trapping occurs during the scheduled trapping season for coyotes.
- (c) The trapper is required to notify the Police Department of the following information:
 - 1. Date trap set.
 - 2. Location of trap.
 - 3. Trapper's name and contact information.
 - 4. Date animal harvested.
 - 5. Sex of animal harvested.
 - 6. Date trap removed.
- (d) Harvested coyotes must be removed from the town limits of Emerald Isle. Coyotes are not permitted to be euthanized by any method within the town limits.
- (e) Trappers are required to report the accidental trapping of any domestic animal to the police department immediately.

⁴ https://library.municode.com/nc/emerald_isle/codes/code_of_ordinances?nodeId=PTIICOOR_CH7EMMA

⁵ https://library.municode.com/nc/emerald_isle/codes/code_of_ordinances?nodeId=PTIICOOR_CH8AN_ARTVIIICO

- (f) Trappers are required to comply with all North Carolina laws and regulations regarding the trapping and harvesting of coyotes.

Sec. 8-58. - Violations.

Violations of this section shall subject the offender to a criminal misdemeanor under G.S. 14-4.

(Ord. of [10-11-16\(2\)](#), § 1)

- Chapter 10 – Business Regulations / Article I – For Hire Vehicles⁶

(Entire Article – all sections)

Sec. 10-1 – Intent

Sec. 10-2 = Penalty for violation

Sec. 10-3 – Driver's permit required

Sec. 10-4 – Application for driver's permit; contents

Sec. 10-5 - Driver's permit application fee

Sec. 10-6 – Grounds for refusal or revocation of driver's permit

Sec. 10-7 – Issuance of driver's permit

Sec. 10-8 – Display of driver's permit, schedule of fares, etc.

Sec. 10-1. - Intent.

It is the intent of this article to require that drivers of taxicabs, limousines, and designated driver services operated for hire in the town shall be permitted and regulated as set forth in this article, in order to protect the health, safety, and welfare of the residents and visitors of the town.

([Ord. of 7-14-15\(2\), § 1](#))

Sec. 10-2. - Penalty for violation.

Any person violating any provisions of this article shall be guilty of a criminal misdemeanor in accordance with section 1-6(a)(1). Additionally, the chief of police may revoke any permit in accordance with the provisions of this article.

([Ord. of 7-14-15\(2\), § 1](#))

Sec. 10-3. - Driver's permit required.

No person shall drive any taxicab, limousine, or designated driver service vehicle carrying passengers for hire from place to place within the corporate limits of the town or from within the town to any place outside the corporate town limits unless such person shall have first applied to and secured from the police department a permit to drive a taxicab, limousine, or designated driver service vehicle; unless such driver currently holds a valid permit to drive a taxicab, limousine, or designated driver service vehicle issued by another incorporated municipality within the State of North Carolina.

([Ord. of 7-14-15\(2\), § 1](#))

⁶https://library.municode.com/nc/emerald_isle/codes/code_of_ordinances?nodeId=PTIICOOR_CH10BURE_ARTIF
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Sec. 10-4. - Application for driver's permit; contents.

Before any person shall drive a taxicab, limousine, or designated driver service vehicle carrying passengers for hire within the corporate limits, he shall first apply to and secure from the police department a permit to drive a taxicab, limousine, or designated driver service vehicle. Each driver shall submit to the chief of police a written application setting forth the following information:

- (1) Evidence that the applicant is at least eighteen (18) years of age and has a current NC driver's license validly issued by the NC Division of Motor Vehicles.
- (2) Evidence of liability insurance by an insurance company approved by the state insurance commissioner in at least the minimum limits as set forth in G.S. ch. 20 covering the driver and all vehicles to be used by the driver in the taxicab, limousine, or designated driver service business.
- (3) A description of all motor vehicles to be driven by the driver in the taxicab, limousine, or designated driver service business to include the make and model of the vehicles, serial numbers, license tag numbers, state registration numbers, and other information as required by the Police Department.
- (4) Evidence that the vehicle has a current and validly issued safety inspection certificate as required by G.S. ch. 20.
- (5) Evidence satisfactory to the chief of police that the applicant is in good physical and mental health and is physically and mentally capable of operating a motor vehicle.
- (6) Evidence satisfactory to the chief of police that the applicant possesses good moral character. A background investigation, including a complete computerized criminal history records check, to be conducted by the police department, through the use of DCI to access the North Carolina State Bureau of Investigation and the Federal Bureau of Investigation criminal history files, as well as the North Carolina Administrative Office of the Courts (AOC), will be conducted. All information obtained from such DCI access to criminal history information will be held confidential and will not be disseminated outside the police department; further, the police department will adhere to any and all regulations governing the use of such information and will pay any fees imposed for said use.
- (7) Each applicant is required to submit a fingerprint exemplar to the police department that will be forwarded to the SBI. The SBI will forward the card to the FBI in order to complete a national criminal history check. Any fee required will be paid by the applicant.

([Ord. of 7-14-15\(2\), § 1](#))

Sec. 10-5. - Driver's permit application fee.

Each applicant for a driver's permit shall pay to the town a fee for processing the application. Such fee is on file in the office of the town clerk. This application fee shall include the fee that is charged to the police department by the SBI/FBI for each criminal history/fingerprint processed.

([Ord. of 7-14-15\(2\), § 1](#))

Sec. 10-6. - Grounds for refusal or revocation of driver's permit.

The chief of police may refuse to issue a permit to any driver or may revoke a permit already issued to any driver upon the following grounds:

- (1) Conviction of a felony against this state or conviction of any offense against another state which would have been a felony if committed in the State of North Carolina;
- (2) Violation of any federal or state law relating to use, possession, or sale of intoxicating liquors or narcotic or barbiturate drugs;
- (3) Addiction to or habitual use of intoxicating liquors or narcotic or barbiturate drugs;
- (4) Violation of any federal or state law relating to prostitution;
- (5) Noncitizenship in the United States;
- (6) Habitual violation of traffic laws or ordinances;

- (7) The giving of any false information on the driver's application for a permit, or failure to notify the town of any changes, amendments, or revisions in the information given in the driver's application for a license. The chief of police or his designee shall be notified within seven (7) days following any acts, events or occurrences which would cause an amendment or change to be made in the information given on the driver's application.

([Ord. of 7-14-15\(2\), § 1](#))

Sec. 10-7. - Issuance of driver's permit.

The board of commissioners hereby delegates to the chief of police authority to issue or deny a driver's permit, and the chief of police shall issue a driver's permit if he finds that the information submitted on the application meets the requirements of this article.

([Ord. of 7-14-15\(2\), § 1](#))

Sec. 10-8. - Display of driver's permit, schedule of fares, etc.

Each driver and operator of a taxicab, limousine, or designated driver service vehicle within the corporate limits shall display prominently in each vehicle so as to be visible to the passengers therein the permit issued by the town, the schedule of fares, a photograph of the driver, and the name of the owner and driver of the taxicab, limousine, or designated driver service vehicle.

([Ord. of 7-14-15\(2\), § 1](#))

- Chapter 10 – Business Regulations / Article II – Towing Services⁷

(Entire Article – all sections)

Sec. 10-20 – Intent

Sec. 10-21 – Penalty for violation

Sec. 10-22 – Operator's permit required

Sec. 10-23 – Application for operator's permit; contents

Sec. 10-24 – Operator's permit application fee

Sec. 10-25 – Grounds for refusal or revocation of operator's permit

Sec. 10-26 – Issuance of operator's permit

Sec. 10-27 – Display of operator's permit

Sec. 10-28 – Signage requirements before towing may occur

Sec. 10-29 – Towed vehicle storage location

Sec. 10-30 – Notification of police department

Sec. 10-31 – Forms of payment accepted

Sec. 10-20. - Intent.

It is the intent of this article to require that towing services contracted by private entities to remove unauthorized vehicles in private parking lots within the town shall be permitted and regulated as set forth in this article, in order to protect the health, safety, and welfare of the residents and visitors of the town.

([Ord. of 7-14-15\(2\), § 1](#))

Sec. 10-21. - Penalty for violation.

Any person violating any provisions of this article shall be guilty of a criminal misdemeanor in accordance with section 1-6(a)(1). Additionally, the chief of police may revoke any permit in accordance with the provisions of this article.

([Ord. of 7-14-15\(2\), § 1](#))

Sec. 10-22. - Operator's permit required.

No person shall operate a towing service vehicle within the corporate limits of the town unless such person shall have first applied to and secured from the police department a permit to operate a towing service vehicle.

([Ord. of 7-14-15\(2\), § 1](#))

Sec. 10-23. - Application for operator's permit; contents.

Before any person shall drive a towing service vehicle within the corporate limits, he shall first apply to and secure from the police department a permit to operate a towing service vehicle. Each driver shall submit to the chief of police a written application setting forth the following information:

- (1) Evidence that the applicant is at least eighteen (18) years of age and has a current NC driver's license validly issued by the NC Division of Motor Vehicles for the class of towing service vehicle operated.
- (2) Evidence of liability insurance by an insurance company approved by the state insurance commissioner in at least the minimum limits as set forth in G.S. ch. 20 covering the operator and all towing vehicles to be used by the operator.
- (3) A description of all towing service vehicles to be utilized by the operator to include the make and model of the towing service vehicles, serial numbers, license tag numbers, state registration numbers, and other information as required by the police department.
- (4) Evidence that the towing service vehicle has a current and validly issued safety inspection certificate as required by G.S. ch. 20.
- (5) Evidence satisfactory that the applicant is in good physical and mental health and is physically and mentally capable of operating a towing service vehicle.
- (6) Evidence satisfactory to the chief of police that the applicant possesses good moral character. A background investigation, including a complete computerized criminal history records check, to be conducted by the police department, through the use of DCI to access the North Carolina State Bureau of Investigation and the Federal Bureau of Investigation criminal history files, as well as the North Carolina Administrative Office of the Courts (AOC), will be conducted. All information obtained from such DCI access to criminal history information will be held confidential and will not be disseminated outside the police department; further, the police department will adhere to any and all regulations governing the use of such information and will pay any fees imposed for said use.
- (7) Each applicant is required to submit a fingerprint exemplar to the police department that will be forwarded to the SBI. The SBI will forward the card to the FBI in order to complete a national criminal history check. Any fee required will be paid by the applicant.

([Ord. of 7-14-15\(2\), § 1](#))

Sec. 10-24. - Operator's permit application fee.

Each applicant for a towing services operator's permit shall pay to the town a fee for processing the application. Such fee is on file in the office of the town clerk. This application fee shall include the fee that is charged to the police department by the SBI/FBI for each criminal history/fingerprint processed.

([Ord. of 7-14-15\(2\), § 1](#))

Sec. 10-25. - Grounds for refusal or revocation of operator's permit.

The chief of police may refuse to issue a permit to any towing services operator or may revoke a permit already issued to any driver upon the following grounds:

- (1) Conviction of a felony against this state or conviction of any offense against another state which would have been a felony if committed in the State of North Carolina;
- (2) Violation of any federal or state law relating to use, possession, or sale of intoxicating liquors or narcotic or barbiturate drugs;
- (3) Addiction to or habitual use of intoxicating liquors or narcotic or barbiturate drugs;
- (4) Violation of any federal or state law relating to prostitution;
- (5) Noncitizenship in the United States;
- (6) Habitual violation of traffic laws or ordinances;
- (7) The giving of any false information on the operator's application for a permit, or failure to notify the town of any changes, amendments, or revisions in the information given in the operator's application for a license. The chief of police or his designee shall be notified within seven (7) days following any acts, events or occurrences which would cause an amendment or change to be made in the information given on the driver's application.

([Ord. of 7-14-15\(2\), § 1](#))

Sec. 10-26. - Issuance of operator's permit.

The board of commissioners hereby delegates to the chief of police authority to issue or deny a towing services operator's permit, and the chief of police shall issue a permit if he finds that the information submitted on the application meets the requirements of this article.

([Ord. of 7-14-15\(2\), § 1](#))

Sec. 10-27. - Display of operator's permit.

Each operator of a towing services vehicle within the corporate limits shall display prominently to each person whose vehicle has been towed the towing services operator's permit issued by the town, and the name of the owner and operator of the towing services vehicle.

([Ord. of 7-14-15\(2\), § 1](#))

Sec. 10-28. - Signage requirements before towing may occur.

A business or individual that intends to engage in the towing of unauthorized vehicles from a parking area shall post signs at each ingress and egress to the parking area. Additionally, one sign for each ten (10) parking spaces shall be posted within the parking area. Said signage shall be at least three (3) square feet in size, and shall include the following information:

- (1) Clear language that the parking area is for customers of the business only, and that violators will be towed at the vehicle owner's risk and expense,
- (2) The maximum amount of the fee that will be charged to the vehicle owner to recover the vehicle,
- (3) The phone number to contact the towing service company, and
- (4) The location where the towed vehicle is temporarily stored.

([Ord. of 7-14-15\(2\), § 1](#) ; Ord. [5-9-17\(2\)](#), § 1)

Sec. 10-29. - Towed vehicle storage location.

Towed vehicles shall be temporarily stored at a location within the corporate limits or within twenty (20) driving miles of the corporate limits. Said storage location shall be secured and lighted, and shall include a sign indicating the name of the towing

services company. Said storage location shall be owned by, leased to, or otherwise approved by the owner for use by the towing services company. Failure to document authority to utilize the storage location may result in the refusal to issue or the revocation of all operator's permits associated with the towing services company.

([Ord. of 7-14-15\(2\), § 1](#) ; Ord. [5-9-17\(2\)](#), § 1)

Sec. 10-30. - Notification of police department.

When towing a vehicle, the towing services operator who is removing the vehicle must report by telephone to the police department a license tag number, description of the vehicle, and the location that the vehicle is being towed from. This report must be made before the towing services operator leaves the private property from which the vehicle is towed.

([Ord. of 7-14-15\(2\), § 1](#))

Sec. 10-31. - Forms of payment accepted.

An authorized towing services company shall accept cash, debit cards, and credit cards for payment to recover the vehicle.

- Chapter 10 – Business Regulations / Article III – Itinerant Merchants and Satellite Merchants⁸

(Entire Article – all sections)

Sec. 10-40 – Intent

Sec. 10-41 – Definitions

Sec. 10-42 – Itinerant merchants and satellite merchants prohibited

Sec. 10-43 – Fixed business location required

Sec. 10-44 – Exemptions

Sec. 10-45 – Enforcement

Sec. 10-46 – Violations and penalties

Sec. 10-40. - Intent.

It is the intent of these regulations to promote a fair and competitive business environment in the town, to promote aesthetically-pleasing and safe business corridors, and to protect the public from unacceptable practices and unscrupulous acts of non-resident merchants and vendors. Because of its reliance on tourism, it is important for the town to maintain a neat appearance and preserve its small-town atmosphere. It is also important to protect business interests who have invested in the community with fixed establishments, employment opportunities, and tax contributions.

It is also the intent of these regulations to offer limited opportunities for convenient access to goods and services by visitors to the town's beach strand in locations with a highly transient visitor base, including ocean fishing piers, motels, hotels, campgrounds, recreational vehicle parks, and public beach access facilities.

([Ord. of 7-14-15\(2\), § 1](#))

Sec. 10-41. - Definitions.

The following definitions apply in this article:

⁸https://library.municode.com/nc/emerald_isle/codes/code_of_ordinances?nodeId=PTIICOOR_CH10BURE_ARTIII_TMESAME

Itinerant merchants are businesses and/or individuals who have no established indoor business location and operate on a temporary basis, in an outdoor setting, on a public street, right-of-way, or the beach strand and/or by continually traveling from place to place to offer goods and services from a vehicle, tent, cart, trailer, or other similar device.

Satellite merchants are established businesses or individuals that operate on a permanent or temporary basis, in an outdoor setting, on the premises of a different established fixed business or vacant lot in the town with the expressed written permission from the property owner. Satellite merchant activities may be offered from a vehicle, tent, cart, trailer, or other similar device.

Businesses delivering goods and services that have been previously ordered to be delivered to or provided at a specific place are not considered itinerant merchants or satellite merchants under this article.

([Ord. of 7-14-15\(2\), § 1](#))

Sec. 10-42. - Itinerant merchants and satellite merchants prohibited.

Itinerant merchants and satellite merchants, as defined in this article, are prohibited from operating in the town except as exempted hereafter. Examples that are prohibited include, but are not limited to, the following:

- (1) Any business or individual operating on a temporary basis in an outdoor setting on a public street, right-of-way, or the beach strand;
- (2) Any business or individual operating on a temporary basis in an outdoor setting on private property with expressed written permission of the property owner;
- (3) Any mobile vendors continually traveling from place to place to offer goods and services, including mobile food sale trucks, ice cream trucks, mobile tool sales trucks, and other similar activities unless a previous order for goods and services has been placed to the business.

([Ord. of 7-14-15\(2\), § 1](#))

Sec. 10-43. - Fixed business location required.

A fixed business is required to have a location and building thereon to conduct business. Said location and building must conform to town regulations and the applicable state codes and have installed therein plumbing, electrical, and HVAC utility systems of acceptable size and capacity for the public and staff of the business location as a condition to conducting business in the town. Any temporary or outdoor business activities conducted at the fixed business location may be conducted only by the owner of the fixed business at the owner's fixed business location.

([Ord. of 7-14-15\(2\), § 1](#))

Sec. 10-44. - Exemptions.

The following activities are hereby exempt from this article and thus permitted:

- (1) All bona-fide non-profit charitable, educational, religious, scientific, or civic organizations engaged in fundraising activities for a period not greater than two (2) consecutive days;
- (2) All satellite merchants, with expressed written permission of the property owner and/or special event organizer, participating in a special event sponsored by or permitted by the town;
- (3) All satellite merchants operating on the private property of an ocean fishing pier, hotel, motel, campground, recreational vehicle park (including nearby or adjacent shops, rental offices, recreational facilities, or amenities associated

with the ownership or operation of the pier, hotel, motel, campground, or recreational vehicle park), condominium complexes, or public beach access facility having frontage on the Atlantic Ocean and visited or frequented by transient guests or travelers moving in and out periodically, provided that:

- a. The satellite merchant has written permission from the property owner;
- b. No satellite merchant sales activities occur on a public street, right-of-way, or the beach strand;
- c. No more than one satellite merchant operates on the property at one time; and
- d. The satellite merchant registers as a satellite merchant with the town, on an annual basis;

(4) Licensed seafood dealers operating as a satellite merchant prior to the effective date of the ordinance from which this article derives, and offering only locally-caught seafood for sale;

(5) Any special events, competitions, or instructional lessons of a temporary nature that occur within the Atlantic Ocean or on the beach strand and have been granted prior sanction or approval by the town;

(6) All satellite merchants participating in a limited duration food truck rodeo event specifically approved by the board of commissioners; and

(7) All satellite merchants operating at a duly permitted farmer's market approved in accordance with the town's Unified Development Ordinance.

([Ord. of 7-14-15\(2\), § 1](#); [Ord. of 7-27-15\(1\), § 1](#))

Sec. 10-45. - Enforcement.

The town manager shall delegate responsibility for enforcing this article to the planning and inspections department, with assistance from the police department.

([Ord. of 7-14-15\(2\), § 1](#))

Sec. 10-46. - Violations and penalties.

Any violation of this article shall require the immediate ceasing of business activity. In addition, violators may be subject to a civil penalty in accordance with [section 1-6](#).

([Ord. of 7-14-15\(2\), § 1](#))

- Chapter 11 – Transportation / Article II – General Street, Sidewalk, and Bicycle Path Provisions ⁹

Sec. 11-10 – Damage

Sec. 11-11 – Debris

Sec. 11-12 – Obstructions

Sec. 11-14 – Excavation of public streets, sidewalks, bicycle paths

Sec. 11-10. - Damage.

- (a) It shall be unlawful for any person to drag or run any vehicle, equipment, implement, engine, machine, tool, or other device across the pavement of any public street, sidewalk, or bicycle path in any way that results in damage to the pavement, either intentionally or unintentionally.
- (b) It shall be unlawful for any person to tamper with, remove, deface, or otherwise damage any curb, gutter, culvert, bridge, retaining wall, ditch, storm water feature, sign, signpost, street light, traffic signal, or any other feature on a public street right-of-way, either intentionally or unintentionally.
- (c) Violations of this section shall require the offender to bear the full cost of restoration of the damaged public feature, and may also subject the offender to a criminal misdemeanor under G.S. 14-4.

([Ord. of 9-8-15\(1\), § 1](#))

Sec. 11-11. - Debris.

- (a) It shall be unlawful for any person to drop, release, spill, deposit, or otherwise leave behind any dirt, soil, sand, gravel, debris, liquids, or other materials on the pavement of any public street, sidewalk, bicycle path, or elsewhere in the public street right-of-way, either intentionally or unintentionally, that results in a potential safety hazard, unsightly aesthetic appearance, flows into the storm water management system, or otherwise harms public or private property.
- (b) Every property owner shall keep and maintain the areas adjacent to a public street, sidewalk, or bicycle path in such a manner that trash, litter, rubbish, and/or other materials are not blown, deposited, or cast upon the pavement of any public street, sidewalk, bicycle path, or elsewhere in the public street right-of-way.
- (c) Violations of this section shall subject require the offender to bear the full cost of removal of the materials and restoration of any damaged public features, and may also subject the offender to a criminal misdemeanor under G.S. 14-4.

([Ord. of 9-8-15\(1\), § 1](#))

Sec. 11-12. - Obstructions.

- (a) It shall be unlawful for any person or group of persons to assemble upon any public or private street, sidewalk, or bicycle path in such a manner as to interfere with or prevent vehicular, bicycle, or pedestrian traffic, unless the person or group is participating in a parade or group demonstration that has been previously approved by the town.
- (b) It shall be unlawful for any person to place any barricades, boxes, barrels, crates, structures, vehicles, or other materials or items upon any public or private street, sidewalk, or bicycle path in such a manner as to interfere with or prevent vehicular, bicycle, or pedestrian traffic.
- (c) Violations of this section shall subject the offender to bear the full cost of removal of the materials and restoration of any damaged public features, and may also subject the offender to a criminal misdemeanor under G.S. 14-4.

([Ord. of 9-8-15\(1\), § 1](#))

⁹https://library.municode.com/nc/emerald_isle/codes/code_of_ordinances?nodeId=PTIICOOR_CH11TR_ARTIIGES_TSIBIPAPR

Sec. 11-14. - Excavation of public streets, sidewalks, bicycle paths.

- (a) No person shall make any excavation or opening, or dig any hole, trench, tunnel, or ditch in, along, across, or under any public street, sidewalk, or bicycle path for any purpose unless specifically authorized by the town.
- (b) Any person receiving approval for the excavation of a public street, sidewalk, or bicycle path shall indemnify and hold the town harmless against any claims or expenses arising out of the person's operations.
- (c) Any person receiving approval for the excavation of a public street, sidewalk, or bicycle path shall install the appropriate public safety warnings in the vicinity of such work, in accordance with appropriate North Carolina Department of Transportation standards.
- (d) All repairs completed for such work shall restore the public street, sidewalk, or bicycle path to a condition as good or better than existed originally, and in a manner consistent with town standards for public streets, sidewalks, and bicycle paths.
- (e) Violations of this section shall subject the offender to a criminal misdemeanor under G.S. 14-4.

([Ord. of 9-8-15\(1\), § 1](#))

- Chapter 11 – Transportation / Article III – Motor Vehicle Traffic Regulations¹⁰

Sec. 11-22 – Failure to comply with order of direction

Sec. 11-26 – Interference with traffic control signs, markers, devices

Sec. 11-22. - Failure to comply with order or direction.

- (a) No person shall willfully fail or refuse to comply with any lawful order or direction of the police department, fire department, or emergency medical services provider exercising authority outlined in this article.
- (b) Violations of this section shall subject the offender to a criminal misdemeanor under G.S. 14-4.

([Ord. of 9-8-15\(1\), § 1](#))

Sec. 11-26. - Interference with traffic control signs, markers, devices.

- (a) It shall be unlawful to attempt or actually tamper with, alter, remove, deface, or otherwise damage any traffic control signs, markers, and/or devices.
- (b) Violations of this section shall require the offender to bear the full cost of restoration of the damaged signs, markers, and/or devices, and shall also subject the offender to a criminal misdemeanor under G.S. 14-4.

([Ord. of 9-8-15\(1\), § 1](#))

¹⁰https://library.municode.com/nc/emerald_isle/codes/code_of_ordinances?nodeId=PTIICOOR_CH11TR_ARTIIIM_OVETRRE

- Chapter 12 – Miscellaneous Provisions / Article I – Personal Conduct ¹¹

Sec. 12-2 – Use or discharge of firearms prohibited

Sec. 12-3 – Hunting prohibited

Sec. 12-4 – Disturbing public meetings prohibited

Sec. 12-5 – Damaging town property prohibited

Sec. 12-2. - Use or discharge of firearms prohibited.

- (a) It shall be unlawful to use or discharge within the corporate limits of the town any shotgun, rifle, pistol, pellet gun, air pistol, air rifle, bow and arrow, or other firearms except for the purposes and in the manner set forth below:
 - (1) When used or discharged in the defense of person or property;
 - (2) When used or discharged pursuant to lawful directions of law enforcement officers;
 - (3) When used or discharged by law enforcement officers pursuant to their duties;
 - (4) When using a bow and arrow, pellet gun, air pistol, or air rifle exclusively for target practice; however, the term "target practice" specifically forbids the hunting or shooting at animals by means of a bow and arrow, pellet gun, air pistol, or air rifle.
- (b) Violations of this section shall subject the offender to a criminal misdemeanor under G.S. 14-4.

([Ord. of 9-8-15\(2\), § 1](#))

Sec. 12-3. - Hunting prohibited.

- (a) It shall be unlawful to hunt animals within the corporate limits of the town with any shotgun, rifle, pistol, pellet gun, air pistol, air rifle, bow and arrow, or other firearms except:
 - (1) When used as part of a controlled hunt conducted by and/or managed by the police department to manage animal populations; or
 - (2) When used by the police department to abate an active threat to the public health, safety, and welfare posed by an animal.
- (b) Violations of this section shall subject the offender to a criminal misdemeanor under G.S. 14-4.

([Ord. of 9-8-15\(2\), § 1](#))

Sec. 12-4. - Disturbing public meetings prohibited.

- (a) It shall be unlawful to behave in a boisterous or indecent manner or to create any disturbance at or near any public meeting or special event.
- (b) Violations of this section shall subject the offender to a criminal misdemeanor under G.S. 14-4.

([Ord. of 9-8-15\(2\), § 1](#))

Sec. 12-5. - Damaging town property prohibited.

- (a) It shall be unlawful for any person to injure, damage, deface, destroy, trespass upon, or break any property belonging to the town, either intentionally or unintentionally.

¹¹https://library.municode.com/nc/emerald_isle/codes/code_of_ordinances?nodeId=PTIICOOR_CH12MIPR_ARTIP_ECO

- (b) Violations of this section shall require the offender to bear the full cost of restoration of the damaged town property, and may also subject the offender to a criminal misdemeanor under G.S. 14-4.

([Ord. of 9-8-15\(2\), § 1](#))

- Chapter 12 – Miscellaneous Provisions / Article II – Parades and Group Demonstrations¹²

Sec. 12-20 – Definitions

Sec. 12-21 – Permit required

Sec. 12-22 – Permit issuance; denial

Sec. 12-23 – Certain activities prohibited

Sec. 12-24 – Violations; revocation of permit

Sec. 12-25 – Interference prohibited

Sec. 12-20. - Definitions.

- (a) Group demonstration means any assembly together or concert of action between or among two (2) or more persons for the purpose of protesting any matter or of making known any position or promotion of the persons, or of or on behalf of any organization or class of persons, or for the purpose of attracting attention to the assembly.
- (b) Parade means any assemblage of two (2) or more persons participating in or operating any vehicle in any march, ceremony, show, exhibition, or procession of any kind on any street, sidewalk, bicycle path, public trust beach area, park, or other public property in the town.
- (c) These definitions shall not apply to special events organized by the town, and such events are exempt from the provisions of this article.

([Ord. of 9-8-15\(2\), § 1](#))

Sec. 12-21. - Permit required.

- (a) It shall be unlawful for any person to organize, conduct, or participate in any parade or group demonstration on any street, sidewalk, bicycle path, public trust beach area, park, or other public property in the town unless a permit therefor has been issued by the chief of police in accordance with the provisions of this article.
- (b) The permit application shall include the following information:
- (1) The name of the person in charge of the event;
 - (2) The purpose of the event;
 - (3) The time, place, route, and duration of any event; and
 - (4) Whether or not minors below the age of eighteen (18) years will be permitted to participate.
- (c) The person in charge of the event must be present at the event at all times and carry the permit on his/her person. The permit shall not be valid in the possession of any other person.

([Ord. of 9-8-15\(2\), § 1](#))

Sec. 12-22. - Permit issuance; denial.

¹²https://library.municode.com/nc/emerald_isle/codes/code_of_ordinances?nodeId=PTIICOOR_CH12MIPR_ARTIIP_AGRDE

The chief of police shall issue a permit for the proposed parade or group demonstration if it does not conflict with the standards outlined in this section. The chief of police shall not issue a permit for the proposed parade or group demonstration if he/she finds that:

- (1) The parade or group demonstration is to commence before 6:00 a.m. or terminate after 6:00 p.m.;
- (2) The parade or group demonstration is to be held at the same time and place as that designated in a previously issued permit;
- (3) The parade or group demonstration will substantially interrupt the safe and orderly movement of other traffic;
- (4) The parade or group demonstration will require the diversion of so great a number of police officers, fire personnel, EMS personnel, and/or equipment to properly serve the event such that adequate police, fire, and EMS protection cannot be provided to the remainder of the town;
- (5) The parade or group demonstration is reasonably likely to result in violence to persons or property causing serious harm to the public;
- (6) The parade or group demonstration is to be held for the primary purpose of advertising a product, good, or event, and is designed to be held primarily for private profit.

([Ord. of 9-8-15\(2\), § 1](#))

Sec. 12-23. - Certain activities prohibited.

The following acts or activities, when performed or undertaken in conjunction with or as a part of, any parade or group demonstration, are hereby prohibited and declared unlawful:

- (1) The carrying on or about the person any firearm, with the exception of lawfully permitted concealed carry firearms;
- (2) The carrying on or about the person any weapon or article, including but not limited to blackjacks or nightsticks which by their use might constitute a deadly weapon;
- (3) The taking or keeping of any dog or other vicious animal, whether leashed or unleashed.

([Ord. of 9-8-15\(2\), § 1](#))

Sec. 12-24. - Violations; revocation of permit.

The chief of police may revoke any permit granted for a parade or group demonstration that fails to comply with the provisions of this article and/or the terms and conditions of the permit. Additionally, violations of this article may also subject the offender to a criminal misdemeanor under G.S. 14-4.

([Ord. of 9-8-15\(2\), § 1](#))

Sec. 12-25. - Interference prohibited.

- (a) No person shall hamper, obstruct, impede, or interfere with any parade or group demonstration being conducted under authority of a permit duly issued by the chief of police.
- (b) Violations of this section shall subject the offender to a criminal misdemeanor under G.S. 14-4.

([Ord. of 9-8-15\(2\), § 1](#))

- Chapter 12 – Miscellaneous Provisions / Article III – Smoking and Alcoholic Beverages¹³

Sec. 12-31 – Possession and consumption of alcoholic beverages

Sec. 12-32 – Sale, service, and consumption of alcoholic beverages during special events

Sec. 12-31. - Possession and consumption of alcoholic beverages.

- (a) Unless otherwise provided in this article, it shall be unlawful for any person to possess an open container or consume wine, beer, or other alcoholic beverages, or to offer a drink to another person, whether accepted or not, anywhere on any street, sidewalk, bicycle path, or other public property in the town.
- (b) It shall further be unlawful for any person to possess an open container or consume spirituous liquor or mixed drinks in any location other than the premises of licensed establishments or on private property, in accordance with state law.
- (c) It shall specifically be lawful for any person at least twenty-one (21) years of age to possess and consume wine or beer on the public trust beach strand, provided that all associated behavior is in compliance with applicable state law.
- (d) Violations of this section shall subject the offender to a criminal misdemeanor under G.S. 14-4.

([Ord. of 9-8-15\(2\), § 1](#)) Sec. 12-32. - Sale, service, and consumption of alcoholic beverages during special events.

It shall only be lawful to serve, sell, and consume alcoholic beverages on any street, sidewalk, bicycle path, park, or other public property in the town during special events in accordance with the following special conditions:

- (1) The event coordinator applies for and is issued a special permit from the town. The chief of police is authorized to issue the permit upon compliance with the applicable requirements of this section and state law.
- (2) The event coordinator applies for and has been issued all necessary health department and ABC licenses and permits as required by state law.
- (3) The permit as issued by the town clearly states and defines the area for which the alcoholic beverages may be sold or served, the boundaries of the area are clearly delineated and access to the area where alcoholic beverages are being sold or served is restricted to event guests who shall be at least twenty-one (21) years of age. Additionally, the event coordinator is responsible for providing waiters or servers for the beverages so that those consuming the same are not serving themselves.
- (4) Permits may be issued for wine and beer only. Spirituous liquor or mixed drinks may not be permitted under this section.
- (5) The event coordinator is responsible for maintaining decorum and order and leaving the premises in a clean condition.
- (6) The contents of beer bottles or cans or wine bottles shall be poured into appropriate cups or glasses, and all empty bottles or cans shall be handled and stored in such a manner as not to be broken or left on the premises.
- (7) The event coordinator either possesses or secures special event liability insurance, with liquor or alcoholic beverage coverage, with minimum limits of one million dollars (\$1,000,000.00).
- (8) The chief of police may revoke any permit granted that fails to comply with the provisions of this article and/or the terms and conditions of the permit. Additionally, violations of this section may also subject the offender to a criminal misdemeanor under G.S. 14-4. ([Ord. of 9-8-15\(2\), § 1](#))

¹³https://library.municode.com/nc/emerald_isle/codes/code_of_ordinances?nodeId=PTIICOOR_CH12MIPR_ARTIII_SMALBE

- Appendix A – UDO – Chapter 2 – Administration 2.2.4 – Staff¹⁴

(5) Floodplain Administrator, (B) Duties and Responsibilities

(xv) Issue stop-work orders as required

(xv) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of the flood damage prevention regulations in this Ordinance, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

- Appendix A – UDO – Chapter 9 – Enforcement¹⁵

9.1 - VIOLATIONS

Any of the following shall be a violation of this Unified Development Ordinance and shall be subject to the enforcement remedies and penalties provided by this Chapter 9 and North Carolina State Law.

https://library.municode.com/nc/emerald_isle/codes/code_of_ordinances?nodeId=APXAUNDEOR_CH9EN

¹⁴https://library.municode.com/nc/emerald_isle/codes/code_of_ordinances?nodeId=APXAUNDEOR_CH2AD_2.2.4
[ST](#)

¹⁵https://library.municode.com/nc/emerald_isle/codes/code_of_ordinances?nodeId=APXAUNDEOR_CH9EN

