

Key Currituck County Ordinances Applicable to Outer Banks

In a “nutshell” – The following is a “dummies” guide to some key Currituck County Ordinances with particular relevance to the Outer Banks beaches ---

Fire, CO & Security Alarms - if you have 2 or more “false alarms” at your house over a 30-day period, you will be fined \$250 per “excessive” false alarm. Thus, if you have 3 false alarms in a 30-day period, the fine will be \$500. Homeowners have a duty to maintain their alarm systems. Change batteries every spring, change out alarm units when at end of manufacturer-specified useful life (usually 10 years for smoke alarms), and avoid combination smoke/CO alarms, as placement of a CO alarm on the ceiling will serve no useful purpose. Over half of the calls that CFR responds to every year are “false alarms”, a needless waste of resources that could be avoided if alarm systems were properly maintained.

Swimming when Red Flags are Raised. \$500 fine for going in the ocean when the red flags are up. Only OK if you have a surfboard that’s tethered to you. Rafts, floats and boogie boards don’t make it OK. Corolla Beach Rescue makes the determination as to whether swimming needs to be prohibited. They know what they are doing – they pull literally hundreds of swimmers out of rip currents every summer.

ALL Fireworks & Sky Lanterns Prohibited. The Currituck County Ordinance is stricter than the North Carolina fireworks ban, due to the extreme fire risk fireworks create at the beach. All fireworks are banned, including explosive caps, snake and glow worms, smoke devices, noise makers such as party poppers and string poppers and sparklers. Sky Lanterns are sometimes referred to as “Chinese Lanterns”; these have been known to land in yards and on decks while still burning. Fine is up to \$500.

Dogs – Sorry, but it’s not OK to let your dog run free, no matter how well trained. Your dog must be “under restraint”, which means “controlled by means of a chain, leash or other like device” or in your car or fenced yard. There’s no hunting allowed in Corolla, so the “hunting dog exception” doesn’t apply. \$500 fine for violating. Also, please clean up after your dog – leaving dog poop on the side of the road is disgusting and a health hazard.

Wild Horses – Our Spanish Mustangs are a treasure and you need to leave them alone. If you want to see them, take a horse tour. You need to stay at least 50 feet away from the wild horses at all times and DO NOT try to feed, pet or ride them or otherwise attempt to lure them. Even attempting to do these things is a misdemeanor. If two witnesses see you do, or try to do, any of these things, it’s enough for law enforcement to arrest you. Every year, we have a horse die because somebody fed them something like a watermelon rind. Some people think it’s cute; it’s just cruel & stupid.

Beach Driving –

Speed Limit – 35 mph generally, except that 15 mph if within 300 feet of people on the foreshore or beach strand...and if there are people on the beach, need to keep your vehicle at least 100 feet away from them. Lots of citations given out every year for driving too fast by and too close to folks on the beach.

Stay off the Dunes – Prohibited to drive a motor vehicle over dunes in manner that destroys natural vegetation. Also illegal to walk, dig, etc. dunes. The dunes are what protects Corolla properties from storm surge from major hurricanes and tropical storms.

No Driving on Corolla Beaches Between May 1 and September 30. The Corolla Beaches are the ones in the “paved road” area from the Dare County Line to the North Beach Access Ramp. North of the Access Ramp is commonly referred to as Carova or the 4WD area.

Tire Pressure – If you drive on the beach you need to air down your tires or you will likely get stuck, which makes for an expensive tow. It also makes for an expensive ticket if you haven’t aired down to at least 20 p.s.i. (for vehicles less than 5,000 pounds.) Plus, stuck motorists make a mess of things for the traffic situation on the Carova beaches during the Season. There are free air pumps at Corolla Park (near the Currituck Lighthouse).

Don’t Block the Foreshore – The “foreshore” is the hard-packed sand strip next to the water. Specifically, the area from water’s edge to a wash line created by the previous high tide. The “beach strand” is the area from the foot of the dunes to the water’s edge. From Memorial Day to Labor Day you’re not allowed to block the foreshore for the first mile and a half from the Access Ramp (i.e., to Mile Post 17). If you park on the beach strand, you need to leave enough room to allow for two lanes of vehicles along the dune line and if you park on the beach strand in that first half mile from the Access Ramp you will be towed. Also prohibited to block “dune traffic” with beach chairs, coolers, fishing poles, etc. and to block first 1-1/2 miles of foreshore with same.

The following are excerpts from the Currituck County Ordinances referred to above. These are abridged, so if you want to look at the full language of the ordinances, please go to https://library.municode.com/nc/currituck_county/codes/code_of_ordinances

ARTICLE VI. - ALARM SYSTEMS

Sec. 9-100. - Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Alarm signal means detectable signal, audible or visual, generated by an alarm system, to which law enforcement or fire department is expected to respond.

Alarm system means any single device or assembly of equipment designed to signal the occurrence of an illegal or unauthorized entry or other activity requiring immediate attention and to which law enforcement or fire department is expected to respond, but does not include alarms installed in motor vehicles, domestic violence alarms, or alarms designed to elicit a medical response.

Alarm user means any person, corporation, partnership, proprietorship, governmental or educational entity, or any other entity owning or leasing an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.

Automatic dial protection device means an automatic dialing device or an automatic telephone dialing alarm system, and shall include any system which, upon being activated, automatically initiates to the county's communications center, sheriff's department or fire department a recorded message or code signal indicating a need for emergency response.

False alarm means the activation of an alarm system through mechanical or electronic failure, malfunction, improper installation, or the negligence of the alarm user, his or her employees, or agents, and signals activated to summon law enforcement or fire department personnel unless the alarm user or his or her agent canceled law enforcement or fire department response before law enforcement or fire department personnel arrive at the alarm location. An alarm is false within the meaning of this article when, upon inspection by law enforcement or fire department, evidence indicates that no unauthorized entry, robbery, or other such crime was committed or attempted in or on the premises or no evidence indicates the necessity of fire department response that would have activated a properly functioning alarm system. Notwithstanding the foregoing, a false alarm shall not include an alarm that can reasonably be determined to have been caused or activated by unusually violent conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user. In addition, an alarm activated during an alarm system testing procedure shall not be considered a false alarm if the alarm user first notifies and receives permission from the user's alarm company, or designee, to test the system.

Local alarm means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure and is not monitored by a remote monitoring facility.

Runaway alarm means an alarm system that produces repeated alarm signals that do not appear to be caused by separate human action.

Sec. 9-101. - Duties of the alarm user.

An alarm user shall:

- (1) Maintain the premises and the alarm system in a manner that will reduce or eliminate false alarms;
- (2) Make a solemn endeavor to respond or cause a representative to respond to the alarm system's location within 30 minutes when notified by law enforcement or fire department to deactivate a malfunctioning alarm system, to provide right of entry to the premises, or to provide alternative security for the premises; and
- (3) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report or to perform routine maintenance as prescribed by alarm system provider.

Sec. 9-102. - Prohibited acts.

- (a) It shall be a violation of this article to activate an alarm system for the purpose of summoning law enforcement when no burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premises, for the purpose of summoning a fire department when no fire event is occurring or otherwise to cause a false alarm.
- (b) It shall be a violation of this article to install, maintain, or use an audible alarm system that can sound continually for more than 15 minutes.
- (c) It shall be a violation of this article to install, maintain, or use an automatic dial protection device that reports, or causes to be reported, any recorded message to the county's communications center, sheriff's department or fire department.

Sec. 9-103. - Enforcement of provisions.

- (a) *Excessive false alarms.* It is hereby found and determined that two or more false alarms within a 30-day period is excessive, constitutes a public nuisance, enforceable by an equitable action, and shall be unlawful and a violation of this article. Civil penalties for false alarms within a year may be assessed against an alarm user as follows:
Second and over false alarms - \$250.00
- (b) *Civil noncriminal violation.* A violation of any of the provisions of this article shall be a civil violation and shall not constitute a misdemeanor or infraction, enforceable under G.S. 14-4, which expressly shall not apply.

Sec. 9-5. - Swimming prohibited during dangerous conditions.

- (a) It is recognized that during certain periods of time, as a result of a combination of environmental conditions, dangerous riptides and undercurrents occur in the ocean surf making ocean conditions unsafe for swimmers. The county's ocean rescue contractor is authorized, when it shall make a determination that conditions are unsafe for swimmers in the Atlantic Ocean, to prohibit all swimming in the Atlantic Ocean until such time as it shall determine that the unsafe conditions have abated. During such periods in which swimming is prohibited and after notice is given to the public by announcement on a local radio station and by the posting of red flags on the public accesses to the Atlantic Ocean, swimming in the Atlantic Ocean shall be unlawful. The county's ocean rescue contractor shall make the determination of whether or not ocean conditions are safe based upon his its observation of the effects of winds, tides, storm conditions and other environmental conditions affecting the surf in the Atlantic Ocean. It shall also take into consideration weather reports of existing reports in the Atlantic Ocean and the proximity of those storms to the beaches of the county and the effect thereof.

(b) *Swimming*, as used in this section, is defined to mean and include any entry into the water of the Atlantic Ocean whether assisted by a raft, float, or other aid or device commonly used, but shall not include any entry assisted by a "surfboard," as defined in this section. *Surfboard*, as used in this section, shall be defined as a fiberglass and foam combination at least five feet in length, having a minimum of one fin and used in conjunction with a leash.

(c) No person shall use or operate a surfboard within the waters of the Atlantic Ocean unless a leash is physically attached to the surface of the surfboard and the opposite end of the leash is looped so that the leash shall be placed around the person's ankle or wrist for control of the surfboard in order to avoid injury to bathers. A surfing leash is defined as a line capable of being attached to a board used for surfing and to the surfer, which is of sufficient diameter and strength to restrain the board at a distance from the surfer no greater than the length of the line.

(d) This section shall govern beaches on the Currituck County Outer Banks.

(e) The violation of this article shall be a misdemeanor and upon conviction shall be punishable by fine not more than \$500.00 or by imprisonment for not more than 30 days.

Sec. 9-4. - Manufacture, sale and use of pyrotechnics prohibited.

(a) It shall be unlawful for any individual to manufacture, purchase, sell, deal in, transport, possess, receive, advertise, use or cause to be discharged any pyrotechnics of any description whatsoever unless such person shall have attained the age of 16 years or such person is in the presence of an adult of 21 years of age or older.

(b) Possession of pyrotechnics by any person who has not attained the age of 16 years shall be prima facie evidence that such pyrotechnics are kept for the purpose of being manufactured, sold, bartered, exchanged, given away, received, furnished, otherwise disposed of, or used in violation of the provisions of this article, unless such person is in the presence of an adult of 21 years of age or older.

(c) It shall be unlawful for any individual to sell any pyrotechnics of any description whatsoever to any person who shall not have attained the age of 16 years.

(d) For the proper construction of the provisions of this section, "pyrotechnics," as is herein used, shall be deemed to be and include any and all kinds of fireworks and explosives including explosive caps, snake and glow worms, smoke devices, noise makers such as party poppers and string poppers and sparkling devices.

(e) The violation of this article shall be a misdemeanor and upon conviction shall be punishable by a fine not more than \$500.00 or by imprisonment for not more than 30 days.

Sec. 9-8. - Sky lanterns prohibited.

It shall be unlawful for any person to use, ignite or launch a sky lantern. For purposes of this section, "sky lantern" shall mean a miniature, unmanned hot air balloon which is launched into the atmosphere customarily to celebrate weddings and other special events, relying on an open flame to heat the air inside the balloon causing it to lift into the atmosphere and typically made of rice paper or flame resistant paper with a fuel cell in the opening.

Sec. 9-11. Burning at construction sites prohibited.

No person shall burn unused materials at construction sites. This also includes materials produced from clearing lots. Those materials shall be removed offsite or chipped onsite, but not burned on site. This section only applies to those sites located at or near the Currituck beaches north of the Currituck County/Dare County line and south of the Virginia/North Carolina border.

A violation of this section shall be a misdemeanor, and, upon conviction, the violator shall be punished with imprisonment of not more than 30 days or a fine or not more than \$500.00.

Sec. 3-201. - Currituck Dog Restraint Ordinance.

- (a) Within the County of Currituck no owner or keeper of any dog shall permit such dog to run at large.
- (b) For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
 - (1) *At large*. Off the premises of the owner or keeper and not under restraint.
 - (2) *Owner or keeper*. Any person or persons, or firm, association or corporation, owning, keeping or harboring a dog.
 - (3) *Premises*. Land and buildings.
 - (4) *Under restraint*.
 - a. Controlled by means of a chain, leash or other like device;
 - b. On or within a vehicle being driven or parked; or
 - c. Within a secure enclosure which prevents the dog from injuring persons.
 - (c) Hunting dogs shall be excluded from the provisions requiring physical restraint while the dogs are engaged in hunting or training provided that the hunting complies with North Carolina law.
 - (d) This ordinance shall apply countywide.
 - (e) The violation of any provision of this article shall be a misdemeanor punishable by fine not to exceed \$500.00, or imprisonment for not more than 30 days, or both. Each day's violation of this article is a separate offense.

WILD HORSES

Sec. 3-26. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Luring means to actively entice or tempt by feeding, petting, or any other means which would attract a wild horse.

Shunned colt means a subordinate stallion, characteristically aggressive, that is forced from a herd by the dominant stallion.

Veterinary hospital means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

Wild horse means an animal of the family Equidae and the progeny of the Spanish mustang which was introduced to the Outer Banks as a domesticated animal by 16th century explorers but has over time taken on the characteristics of the class of animal that is *ferae naturae*.

Sec. 3-29. - Penalty for violation of article.

(a) The violation of any provision of this article shall be a misdemeanor, and upon conviction shall be punished as provided by section 1-8.

(b) In addition, enforcement of this article may be by appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to G.S. 153A-123.

Sec. 3-30. - Sanctuary established.

There is established a wild horse sanctuary which shall be that part of the county on the Outer Banks from Dare County to the Virginia state line.

Sec. 3-31. - Luring, enticing, seizing.

It shall be unlawful for any person to lure or entice a wild horse out of a wild horse sanctuary, or to seize and remove a wild horse from a wild horse sanctuary, except for the purpose of treatment under the care and supervision of a licensed veterinarian or to remove a shunned colt from a wild horse sanctuary when the shunned colt is certified by the animal control officer to be a nuisance or dangerous to persons or property. It shall further be unlawful for any person to lure, attract or entice a wild horse to come within 50 feet of any person or for any person, other than an animal control officer, law enforcement officer, wild horse sanctuary officer or veterinarian rendering treatment to a wild horse, to intentionally come within 50 feet of a wild horse.

Sec. 3-33. - Cruelty.

It shall be unlawful for any person to molest, torture, torment, cruelly beat, needlessly mutilate or kill, wound, injure, poison or subject to conditions detrimental to its health or general welfare any wild horse within a wild horse sanctuary, or to cause or procure such action. The words "torture" and "torment" shall be held to include every act which causes unjustifiable pain, suffering or death; but such terms shall not be construed to prohibit an animal control officer, law enforcement officer or licensed veterinarian from destroying an injured wild horse in a humane manner.

Sec. 3-34. - Notice of injury to authorities.

It shall be unlawful for any person injuring a wild horse to fail to notify immediately the animal control officer or sheriff's department.

Sec. 3-36. - Feeding, riding and petting prohibited.

It shall be unlawful for any person to feed, ride, pet or approach with the intent to feed, ride or pet any wild horse.

Sec. 3-38. - Complaints; violation.

The complaints of two or more persons, residing in different residences, or the complaint of any law enforcement officer shall be prima facie evidence that such violation of this article has occurred.

MOTOR VEHICLES ON CURRITUCK OUTER BANKS

Sec. 10-58. - Speed limits.

The maximum speed limit for vehicles, mopeds, motorcycles and motor vehicles on the Outer Banks, except on Ocean Trail where higher speed limits may be posted, shall be 35 miles per hour, except that, when driving on the foreshore or beach strand, such vehicles shall not exceed 15 miles per hour when located within 300 feet of pedestrians, sunbathers, swimmers, fisherman, or other persons using the beach or beach strand or foreshore. Whenever possible, such vehicles so operated shall pass by such persons using the beach and foreshore at a distance of at least 100 feet.

Sec. 10-61. - Destruction of natural features prohibited.

No person shall operate any vehicle, moped, motorcycle or motor vehicle or use any horse on or across any dune barrier or in such a manner as would destroy natural vegetation.

Sec. 10-63. - Restricted areas.

(a) Where there is an improved all-weather road, dedicated to public use, and running generally north and south and parallel to the beach strand, all vehicles, mopeds, motorcycles or motor vehicles on the foreshore and beach strand are prohibited between May 1 and September 30. This section shall apply specifically to, but is not limited to, the foreshore and beach strand extending from the Dare County line to the north side of the North Beach Access Ramp at North Beach Access Road.

(d) Overnight camping of any type is prohibited on the Currituck County Outer Banks, the beach foreshore and the beach strand.

Sec. 10-66. - Motor vehicle tire pressure.

No person shall drive or operate a motor vehicle on the beach strand or foreshore with tires containing air pressure exceeding the following pounds per square inch (p.s.i.):

- (1) Twenty p.s.i. for motor vehicles with curb weight of less than 5,000 pounds.
- (2) Tire p.s.i. not greater than that required for safe travel for motor vehicles with curb weight greater than 5,000 pounds.

Sec. 10-62. - Blocking foreshore.

(a) No person shall block the foreshore in such a manner that would prohibit vehicular travel along the foreshore. This subsection shall not apply between 9:00 a.m. and 5:00 p.m. from the Friday before Memorial Day to Labor Day in that area one and one-half miles north of the north beach access ramp to Mile Post 17.

(b) All vehicles parked on the beach strand shall be parked in the middle of the beach strand such that vehicular traffic may pass without obstruction adjacent to the dune line and, except between 9:00 a.m. and 5:00 p.m. from the Friday before Memorial Day to Labor Day in the area extending one and one-half miles north of the north beach access ramp to Mile Post 17, adjacent to the water's edge. There shall be no lawn chairs, coolers, fishing lines or any other items blocking the beach strand in any manner that would restrict vehicular movement in a north-south direction along the dune line. There shall be no lawn chairs, coolers, fishing lines or any other

items blocking the foreshore in any manner that restricts public safety and emergency response vehicular movement in a north-south direction along the water's edge.

(c) Notwithstanding subsections (a) and (b) of this section, no vehicle shall travel in the area extending one and one-half miles north of the north beach access ramp to Mile Post 17 in a north or south direction between 9:00 a.m. and 5:00 p.m. from the Friday before Memorial Day to Labor Day except in an area bounded on the west by the toe of the dune line and extending eastward to the middle of the beach strand. This section shall not apply to public safety and emergency response motor vehicles.

(d) No vehicle of any type shall be allowed to be parked on the beach strand in an area extending from the north beach access ramp northward for one-half mile. Violators shall be towed.

Sec. 10-51. - Definitions [abridged]

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Beach strand means that area of the beach extending from the dune line to the waters' edge.

Foreshore means the area from the water's edge to a wash line created by the previous high tide; specifically, the hard-packed sand strip adjacent to the water's edge.

Permit means a license issued by Currituck County allowing for vehicular access to those areas of Currituck County, including but not limited to the beach and fore shore areas of the Currituck County Outer Banks.

Public vehicular area means any area within the state that is generally open to and used by the public...The term "public vehicular area" also includes any beach area used by the public for vehicular traffic as well as any road opened to vehicular traffic within or leading to a subdivision for use by subdivision residents, their guests, and members of the public, whether or not the subdivision roads have been offered for dedication to the public. The term "public vehicular area" shall not be construed to mean any private property not generally open to and used by the public.

Sec. 10-128. - Beach and dune protection.

(a) The following activities shall be considered unlawful within the dune system:

(1) Walking or traversing on the dunes outside of an improved or unimproved dune walkover access as defined in section 10-126;

(2) Allowing pets to walk or traverse on the dunes outside of an improved or unimproved dune walkover access as defined in section 10-126;

(3) Utilizing an improved dune walkover structure that has been damaged and officially posted by the county building inspector as an unsafe structure;

(4) Removing, damaging, or destroying healthy, non-invasive dune plant species including, but not limited to, Sea Oats (*Uniola paniculata*), Bitter Panicum (*Panicum amarum*), Seashore Elder (*Iva imbricata*), Saltmeadow Cordgrass (*Spartina patens*), and American Beachgrass (*Ammophila breviligulata*);

(5) Installation of vegetation inconsistent with sand dune systems, such as lawn grasses or sod, or herbaceous varieties that are not commonly known as "salt-tolerant" dune varieties or that may be determined to be invasive exotic species;

- (6) Operating any vehicle, moped, motorcycle, or motor vehicle or using any horse on or across any frontal or primary dune, or in such a manner as would destroy natural vegetation;
- (7) Degrading, disturbing, or compromising the integrity of the dune structure. These prohibited activities include, but shall not be limited to:
 - a. Digging, shelling, mining, or mechanical alteration of the dune topography;
 - b. Playing, sliding, climbing, or rappelling on the frontal or primary dune or the dune escarpment; and
 - c. Discharging water into the dune where it will cause significant scouring or erosion or otherwise affect the integrity of the dune;
- (8) Development activities without a valid building permit, zoning permit, Albemarle Regional Health Services approval or approval from a health department with jurisdiction in the county, or CAMA authorization;
- (9) Storing objects or construction materials; and
- (10) Littering.