

ORDINANCE 26-04
AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES,
TITLE VII: TRAFFIC CODE

BE IT ORDAINED BY the Mayor and Board of Commissioners of the Town of Holden Beach, North Carolina, that Title VII: Traffic Code be amended as follows.

Section One: Replace Chapter 72 with the following:

Section

72.01 Definitions

72.02 Parking prohibited on public streets and rights-of-way

72.03 Parking authorized by permit only

72.04 Tow-away zones

72.99 Penalty

§ 72.01 DEFINITIONS.

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

CONSTRUCTION OR MAINTENANCE VEHICLE. Any vehicle, as defined herein, that is being used for any legitimate service to a private or public facility or residence. Private contractors' vehicles, delivery vehicles, animal assistance organization vehicles (excluding spectators) and any other vehicle with pre-authorization from the town or police, on a case-by-case basis, shall be considered construction or maintenance vehicles.

DAWN. A time one-half hour before sunrise.

DRIVEWAY. An area of the public right-of-way intended for ingress and egress to private residences and the parking thereof, or an area of the public right-of-way allowing ingress and egress to businesses and commercial properties open to public vehicular traffic.

DUSK. A time one-half hour after sunset.

FEE SCHEDULE. A separate document associated with this ordinance adopted by the Board of Commissioners which outlines the fees and annual calendar associated with the purchase of a parking permit. This document shall be available in the office of the Clerk.

FIRE LANE and/or EMERGENCY VEHICLE ACCESS. Any area marked with signage and/or other markings indicating the area is restricted to emergency vehicle parking and/or access only.

FULL-SIZE VEHICLE. Any registered vehicle as defined in this Chapter excluding those vehicles defined as low-speed vehicles herein. (The term/phrase is used later in the document)

HANDICAPPED AND/OR DISABLED VETERAN. Individuals with disabilities as determined by a medical practitioner in accordance with the Americans with Disability Act and all current federal guidelines and State laws.

HANDICAPPED PARKING SPACE. A parking space designated by signage for the exclusive use of individuals with disabilities as defined above. N.C.G.S. 20-36(e)(1) authorized vehicles displaying disabled veteran registration plates to utilize these spaces without a handicap placard.

LOADING ZONE. A specific area designated by signage for temporary parking to load or unload passengers and/or equipment.

LOW SPEED VEHICLE. A registered motor conveyance as defined in G.S. § 20-4.01(27)(g), a four-wheeled vehicle that is either electrically powered or propelled by a gasoline engine whose top speed is greater than 20 miles per hour but less than 25 miles per hour. (N.C.G.S. was updated to include electric and gas LSVs)

PARK or PARKING. The act of leaving any vehicle standing, whether attended or unattended, in a stationary position for any period of time, except when in obedience to traffic control devices when in the normal flow of vehicular traffic.

PEDESTRIAN CROSSWALK. Any area marked with signage and/or other markings designed to safety allow pedestrian foot traffic to cross the roadway.

PARKING PERMIT. An instrument, either physical or digital, authorizing the holder to park and/or occupy a designated parking area.

PUBLIC RIGHT-OF-WAY. An area or piece of land located on Town or State property reserved for unhindered public use or access. This area extends from the edge of the pavement or roadbed or travel lane to the edge of the property line.

SHORT-TERM PARKING AREA. A parking lot, space or other area designated by the Town as a location for short-term fee free parking. A designation for these purposes shall be indicated with installation of official signage indicating the allowed term and/or time restriction. (Allows designation of parking areas fee free for restroom facilities, etc.)

STREET or HIGHWAY. G.S. § 20-4.01(13) and (46) define a street and/or highway as the entire width between property or right-of-way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for the purposes of vehicular traffic. The terms *highway* and *street*, and their cognates, are synonymous.

STREET INTERSECTION. The physical location in which two streets connect. A measurement from this location shall be from the right-of-way connection point of the streets closet to the adjacent private property line.

TRAILER. Any trailer required to be registered in accordance with North Carolina General Statutes shall be consider a vehicle as defined herein. Whether attached or not to a towing vehicle, for the purposes of parking, trailers shall be considered a separate vehicle.

VEHICLE. Any registered motor conveyance as defined in G.S. § 20-4.01, including but not limited to: passenger motor vehicles, commercial motor vehicles, recreational vehicles, electric vehicles, low speed vehicles, motorcycles, utility vehicles and mopeds.

§ 72.02 PARKING PROHIBITED ON PUBLIC STREETS AND RIGHTS-OF-WAY.

- (A) Parking shall be prohibited at all times within the corporate limits of the Town on all public streets, rights-of-way, and on Town owned property unless specifically authorized in this chapter.
- (B) Parking shall not be authorized in any of the following locations or the adjacent rights-of-way,
 - (1) Street intersections or adjacent right-of-way, within 40 feet.
 - (2) Any portion of the roadway, pavement or travel lane.
 - (3) Pedestrian crosswalks, sidewalks, or pedestrian access ways.
 - (4) Blocking access to driveways or mailboxes.
 - (5) Facing opposing traffic.
 - (6) Blocking or adjacent to fire hydrants and emergency beach accessways, within 15 feet, and blocking or within fire lanes.
 - (7) Designated handicapped or disabled veteran space without placard or registration plate.

(8) Designated electric vehicle charging space;

(a) With a vehicle other than one which is capable of being charged by the installed charging station for that space; or

(b) With any electric vehicle when not actively charging the vehicle. (It was identified through prior complaints that no enforcement authority was granted for this violation)

~~(8)~~(9) From 2:00 a.m. to 5:00 a.m. in all public authorized parking areas included in the table below.

PARKING PROHIBITED FROM 2:00 A.M. TO 5:00 A.M.	
Location	Parking Zone
792-788 Ocean Blvd. West	H20
441 Ocean Blvd. West	H28
Davis St.	H39
120 Davis St.	H40
Ferry St. (South)	H55
Holden St.	H55
Ranger St.	H56
Elizabeth St.	H58
220 Ocean Blvd. East	H60
Bendigo St.	H61

McCray St. (all zones)	H69, H70
Ocean Blvd. East	H64
Ave. A	H66
Ave. B	H67
Dunescape Dr.	H68
Ave. D	H71

- (C) When an authorized or permitted parking area's access is conspicuously and obviously restricted or blocked by signs, barricades, barrier tape or any other traffic control device(s), parking shall be prohibited for the duration of the time that area remains blocked.
- (D) Exceptions.
- (1) The prohibitions in subsection (A) (B) or (C) shall not apply to the temporary parking of any of the following:
 - (a) Emergency or government vehicles.
 - (b) Public and private utility vehicles.
 - (c) Private vehicles, when being used during the provision of an emergency.
 - (d) Private vehicles, when being used for any other bona fide governmental purpose.
 - (2) The prohibitions in subsection (A) shall not apply to the temporary parking of any of the following:
 - (a) Private contractor or maintenance service vehicles while performing legitimate services on a specific permitted location, except:
 - (1) No vehicle may be left parked overnight (from dusk to dawn); and
 - (2) All vehicles must be as far off the public street rights-of-way as possible; and
 - (3) No vehicle may be left parked on any portion of any roadway; and
 - (4) No vehicle may be parked on any portion of the sidewalk.
 - (3) The prohibitions in subsection (A) shall not apply to the temporary parking of any of the following, but shall still require a valid Parking Permit as defined in this Chapter:
 - (a) Parking shall be permitted in the rights of way for customers of businesses immediately adjacent to such location, except:
 - (1) Shall not be within 25 feet of any intersection in any direction; and
 - (2) Shall not be on any portion of the sidewalk; and

- (3) Shall not impede the flow of traffic.
- (4) Parking is authorized without a permit in Bridgeview Park for direct use of the park and its facilities only. This applies to the parking area(s) immediately adjacent to and on the same side of the street as the park on Davis St, Rothschild St, and Brunswick Avenue West.
- (5) Parking is authorized without a permit at the Holden Beach Town Hall when conducting official business in the Town Hall. This applies to the parking area(s) immediately adjacent to and on the same side of the street as the Town Hall on Davis St, Rothschild St, and Brunswick Avenue West.
- (6) Parking is authorized without a permit at the Halstead Park for direct use of the park and its facilities only. This applies to the parking area on the lot located at 125 South Shore Drive only.
- (7) Parking is authorized without a permit at Sailfish Dr. Park for direct use of the park and its facilities only. This applies to the parking area(s) immediately adjacent to and on the same side of the street as the park on Sailfish Dr. only.
- (8) Parking is authorized without a permit at Sand Dollar Dr. Park for direct use of the park and its facilities only. This applies to the parking area(s) immediately adjacent to and on the same side of the street as the park on Sand Dollar Dr. only.
- (9) Parking is authorized without a permit in any designated handicap space in accordance with the definition(s) in 72.01, when said vehicle displays a valid placard or registration plate.
- (10) Parking is authorized without a permit on street rights-of-way in accordance with the following:
 - (a) In accordance with all of the provisions of divisions (B) and (C) above, and
 - (b) Only between 5:00 p.m. and 9:00 a.m., and
 - (c) On all streets except Ocean Boulevard West ~~and~~ ,Ocean Boulevard East between Jordan Boulevard and the intersection ~~with McCray Street.~~ with Blockade Runner and McCray Street between Blockade Runner and Dunescape Drive.
- (11) Parking is authorized without a permit island wide during town events at the discretion of the town manager.
- (12) Parking is authorized without a permit in any Short-Term Parking Area in accordance with the time restrictions indicated in that area.

§ 72.03 PARKING AUTHORIZED BY PERMIT ONLY.

- (A) No person shall park a vehicle in any designated parking area or location without first obtaining a valid parking permit in accordance with the following, unless a specific exemption exists in 72.02:
 - (1) Parking permits will be required between the hours of 9 a.m. and 5 p.m. each day.

(2) Parking permits will be required in accordance with the annual calendar included in the Fee Schedule.

(3) Separate rates will be available for hourly, daily, weekly, and annual permits.

- (a) Hourly Permits. Per hour rate, up to four (4) hours.
- (b) Daily Permits. Per day rate, valid for the date of purchase only.
- (c) Weekly Permits. Per week rate, valid for seven consecutive days including the date of purchase.
- (d) Annual Permits. annual rate covers one or two vehicles. Valid for the calendar year of purchase only.

(4) All rates associated with parking permits are listed in the Fee Schedule ~~adopted by the Board of Commissioners, which shall be available at the office of the Town Clerk.~~

(5) Permits are valid only for the specific vehicle assigned during initial purchase and are non-refundable.

(6) Hourly, Daily and Weekly permits are non-transferable.

(7) Transferring of an annual permit is authorized only under the following circumstances:

- (a) When the assigned vehicle is sold; and
- (b) Only once per calendar year; and
- (c) Only to the original purchaser; and
- (d) Proof of sale documentation shall be required.

(B) Signage.

(1) Proper signage may be installed and maintained by the town or its authorized agent to:

- (a) Designate authorized parking areas in accordance with the table in division (E) below.
- (b) Designate parking for low-speed vehicles in accordance with the table in division (E) below.
- (c) Designate loading/unloading zones and stop locations for mass transit vehicles.
- (d) Designated handicap parking spaces.
- (e) Indicate no parking areas.
- (f) Provide the manner of obtaining a parking permit:

(1) At each designated parking area; and

(2) Including the required hours.

(g) Designate Short-Term Parking Areas.

(2) Signage will only be placed in accordance with the provisions of this Chapter.

(C) No person may park or cause to be parked, any full-size vehicle in any space designated for low-speed vehicle parking.

(D) Parking is authorized without a permit outside the specified hours in division (A)(1) above, but only in designated authorized parking areas pursuant to this chapter unless otherwise exempted in § [72.02\(D\)](#).

(E) The following table includes the specific locations in which parking is authorized. Parking in these areas shall be in accordance with all the provisions of this Chapter.

{ Insert Completed Table Here – No Change }

§ 72.04 TOW-AWAY ZONES.

Vehicles may be towed at the discretion of any law enforcement officer in accordance with all current North Carolina State Laws covered under Chapter 14, Chapter 20 or other applicable statute of the North Carolina General Statues.

§ 72.99 PENALTY.

(A) Criminal. In accordance with NCGS 14-4(b), SL 2021-138 (effective December 1, 2021), violation of a parking ordinance is an infraction and may carry a maximum fine of fifty (\$50.00) dollars.

(B) Civil. In accordance with § 10.99(B), Any person who violates any provision of this traffic code shall be subject to a civil fine of \$50 per offense, unless a different amount is specifically stated herein.

(C) When a civil fine is assessed in accordance with 72.99(B) above, and the violation is for parking in a lawful parking area, and the fine is paid by mid-night of the same date it was assessed, it shall be \$25 per offense, for the first 3 offenses per vehicle, per calendar year. All subsequent violations shall be \$50 per offense unless a higher amount is required in this Chapter. This subsection, 72.99(C), shall not apply to violations of 72.02(A)(6) or (7).

(D) Civil. In accordance with § 10.99(B), Any person who violates § 72.02(A)(6) or (7) of this traffic code shall be subject to a civil fine of \$250 per offense.

(E) A late fee in the amount of \$25 shall be assessed when all fines levied by 72.99(B) or (C) of this section are not paid in full within 30 days of the issuance of a citation for a violation.

Section 2: Modify Chapter 70, Section 70.99, Remove D. (NOTE: Current text in 70.99 D is contradictory to the penalties applied is 72.99. *(This was overlooked during a previous update corrects a contradiction in the two sections).*)

70.99 PENALTY.

(A) Any person who violates any provision of this traffic code for which no penalty is otherwise provided shall be responsible for an infraction and shall be required to pay a penalty of \$50, as authorized by G.S. § 14-4(b).

(B) Civil. In accordance with § 10.99(B) of this code of ordinances, any person who violates any provision of §§ 70.03, 70.05, or Chapter 71 of this traffic code shall be subject to a civil fine of \$50 per offense.

(‘85 Code, §§ 3-10.2, 7-4.2, 7-6.2) (Ord. 11-86, passed 8-4-86; Am. Ord. 6-90, passed 4-2-90; Am. Ord. 93-11, passed 9-7-93; Am. Ord. 14-09, passed 8-12-14)

(C) (1) Criminal. There shall be no criminal penalty for violation of § 70.04 of this chapter.

(2) Civil. In accordance with § 10.99(B) of this code of ordinances, any person who violates any provision of § 70.04 of this chapter shall be subject to a civil fine of \$50 per offense.

(‘85 Code, § 3-9.2) (Ord. 93-11, passed 9-7-93; Am. Ord. 14-09, passed 8-12-14)

~~—(D)— Civil. In accordance with § 10.99(B), with the exception of § 72.02(f) and (h), any person who violates any provision of Chapter 72 of this traffic code shall be subject to a civil fine of \$75 per offense. Any person who violates § 72.02(f) or (h) of this traffic code shall be subject to a civil fine of \$250 per offense.~~

Section Three: The Town Clerk is directed to forward this ordinance to American Legal Publishing for inclusion in the next published supplement to the Holden Beach Code of Ordinances.

Section Four: This ordinance shall be effective the 17th day of June, 2026.

This the 16th day of June, 2026.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk