

ORDINANCE #09 - 13:

AN ORDINANCE AMENDING CHAPTER VII OF THE PINEHURST MUNICIPAL CODE AS IT PERTAINS TO OPERATION OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES ON PUBLIC STREETS AND ROADS IN THE VILLAGE OF PINEHURST.

THAT, WHEREAS, the Village Council of the Village of Pinehurst adopted an ordinance dated October 20, 1980, establishing and implementing certain authorized police powers for the purpose of prescribing regulations governing conditions detrimental to the health, safety and welfare of its citizens; and

WHEREAS, the Municipal Code has been subsequently amended from time to time as conditions warrant; and

WHEREAS, the Village Council of the Village of Pinehurst finds that unregulated use of electric personal assistive devices on public streets and roads is detrimental to the safety of the citizens of Pinehurst;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of Pinehurst, North Carolina, in work session assembled this 12th day of May, 2009 as follows:

SECTION 1. That Chapter VII of the Pinehurst Municipal Code is hereby amended as follows:

7-16.1 Definitions

1. "Electric personal assistive mobility device" shall be defined as a self-balancing non-tandem two-wheeled device, designed to transport one person, with a propulsion system that limits maximum speed of the device to 15 mph or less.

7-16.2 Requirements for Helmet and Restraining Seat Use.

With regard to any bicycle, scooter, **inline or roller** skates, **electric personal assistive mobility device** or skateboard used on a public roadway, public bicycle path, or other public right-of-way:

a. Any person under the age of sixteen (16) operating a bicycle, roller blades, inline or roller skates, skateboard, **electric personal assistive mobility device**, or scooter on Village of

Pinehurst property (including parks and greenways) shall wear a helmet of good fit, with the chin strap fastened securely under the chin, and:

b. It shall be unlawful to rent or lease any bicycle or electric personal assistive mobility device to or for the use of any person under the age of sixteen (16) unless:

1. The rental or lease includes a protective bicycle helmet of good fit, and the person intends to wear the helmet, as required by subsection (a), at all times while operating a electric personal assistive mobility device or bicycle or being a passenger on the bicycle.

2. A person who is in the business of renting bicycles or electric personal assistive mobility devices shall post or make available to a person renting a bicycle or electric personal assistive mobility devices a written notice explaining the provisions of this section and shall provide an appropriate helmet to an operator or passenger who is under sixteen (16) years of age. A reasonable fee may be charged for the helmet rental.

SECTION 2. That Chapter VII of the Pinehurst Municipal Code is hereby amended by adding a new section, Section 7-18, to read as follows:

7-18 OPERATION OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES ON PUBLIC STREETS AND ROADS.

7-18.1 Authority to Regulate.

Pursuant to North Carolina G.S. 20-175.6(d), the Village of Pinehurst is authorized, by ordinance, to regulate the time, place, and manner of the operation of electric personal assistive mobility devices for the purposes of assuring the safety of persons using highways, sidewalks, public streets, alleys, bridges, and other ways of public passage.

7-18.2 Definition of Electric Personal Assistive Mobility Devices.

For the purposes of this ordinance, an electric personal assistive mobility device shall be defined as a self-balancing nontandem two-wheeled device, designed to transport one person, with a propulsion system that limits maximum speed of the device to 15 mph or less.

7-18.3 Operation on Public Streets and Roads.

It is unlawful to operate an electric personal assistive mobility device on any public street or road within the Village of Pinehurst unless the following requirements are met.

a. The electric personal assistive mobility devices may only be operated on streets and roads with posted speed limits of 25 mph or less and are permitted to only cross over streets and roads with posted speeds of greater than 25 mph.

b. No electric personal assistive mobility device may be operated at a speed greater than reasonable and prudent for the existing conditions, and in no instance at a speed greater than 15 miles per hour.

c. No electric personal assistive mobility device may be operated in a careless or reckless manner.

d. Electric personal assistive mobility devices must be operated to the extreme left of the roadway when operating on public roads or streets.

e. Electric personal assistive mobility devices must yield the right-of-way to pedestrians and other human-powered devices.

f. Electric personal assistive mobility devices may be operated only during daylight hours.

g. Electric personal assistive mobility devices must be operated in accordance with all applicable state and local laws and ordinances.

7-18.4 Sidewalks and Greenways Approved for Use.

According to G.S. 20-51.49 electric personal assistive mobility devices are not defined as vehicles requiring registration and as such are permitted to operate on public sidewalks and greenways under the following conditions:

a. Electric personal assistive mobility devices shall not be permitted to operate on public sidewalks in VC zoning jurisdictions.

b. Electric personal assistive mobility devices must yield the right-of-way to pedestrians and other human powered devices.

7-18.5 Enforcement.

Violation of the provisions of this Ordinance shall constitute an infraction, the maximum penalty for which shall be fifty dollars (\$50.00).

SECTION 2. That all local ordinances in conflict herewith are hereby repealed and declared null and void from and after the date of adoption of this ordinance.

SECTION 3. That this Ordinance shall be and remain in full force and effect from and after the date of its adoption.

THIS ORDINANCE passed and adopted this 12th day of May, 2009.

(Municipal Seal)



VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: *George P. Lane*
George P. Lane, Mayor

Attest:

Linda S. Brown
Linda S. Brown, Village Clerk

Approved as to Form:

Michael J. Newman
Michael J. Newman, Village Attorney