



Town Council
November 2023 Work Session – Public Safety
November 30, 2023 | 3:30 PM
Apex Police Department | 205 Saunders Street, Apex, NC
1st Floor Training Room

- 1. Call to Order | Pledge of Allegiance | Agenda Review**
Mayor Jacques K. Gilbert
- 2. Public Safety Bi-Annual Updates – Apex Police Department (APD)**
Police Chief Jason Armstrong
 - a. E-Bikes/E-Scooters**
 - b. Noise Ordinance**
 - c. Crime Data/Dashboards**
- 3. Questions and Answers (Q and A)**
- 4. Adjournment**

ANNOUNCEMENTS

Members of the public can access and view the meeting on the Town's YouTube Channel <https://www.youtube.com/c/TownofApexGov> or attend in-person.

Accommodation Statement: Anyone needing special accommodations to attend this meeting and/or if this information is needed in an alternative format, please contact the Town Clerk's Office. The Town Clerk is located at 73 Hunter Street in Apex Town Hall on the 2nd Floor, (email) allen.coleman@apexnc.org or (phone) 919-249-1260.



APEX
POLICE
DEPARTMENT

November 30, 2023

Town Council Work Session
Public Safety Topics

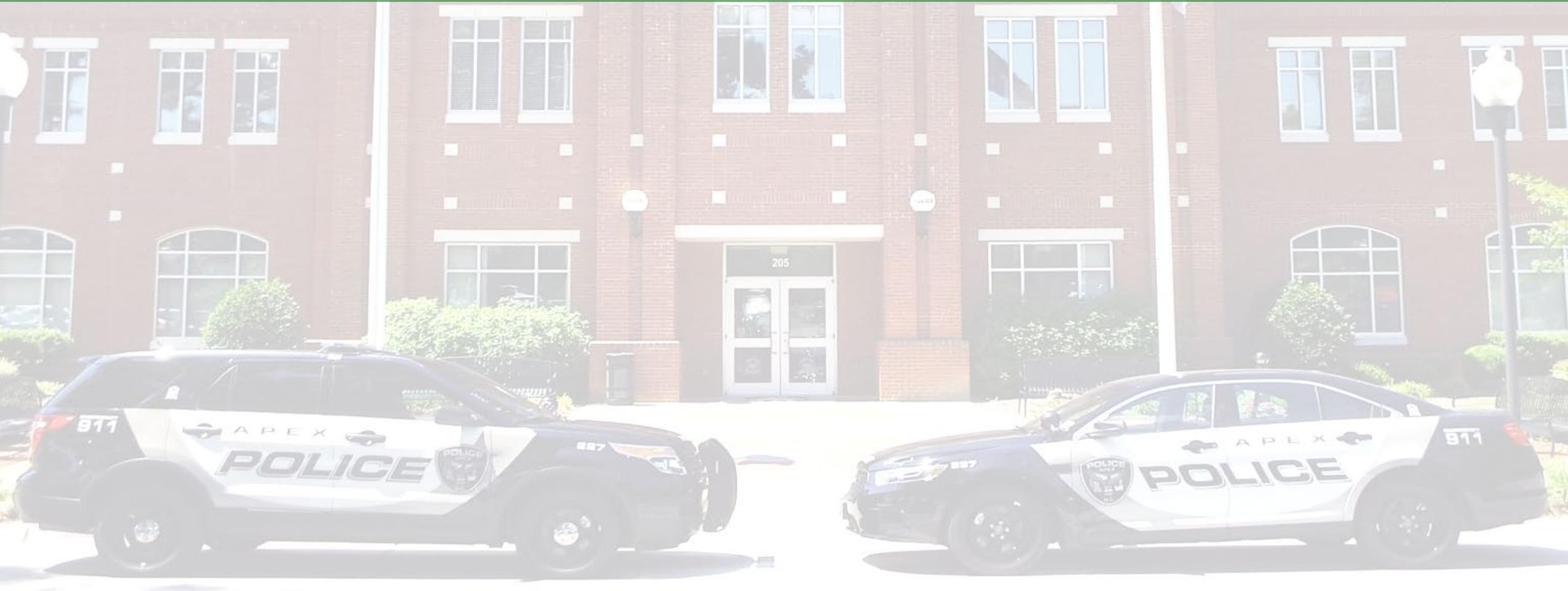


APEX



POLICE
DEPARTMENT

E-Bikes/E-Scooters



North Carolina Definitions

Vehicle. – Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks; provided, that for the purposes of this Chapter bicycles and electric assisted bicycles shall be deemed vehicles and every rider of a bicycle or an electric assisted bicycle upon a highway shall be subject to the provisions of this Chapter applicable to the driver of a vehicle except those which by their nature can have no application.

Motor Vehicle. – Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. Except as specifically provided otherwise, this term shall not include mopeds or electric assisted bicycles.

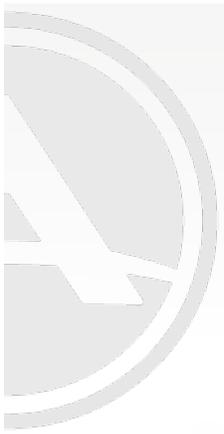
Motorcycles. – Vehicles having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including autocycles, motor scooters, and motor-driven bicycles, but excluding tractors and utility vehicles equipped with an additional form of device designed to transport property, three-wheeled NC General Statutes - Chapter 20 10 vehicles while being used by law-enforcement agencies, electric assisted bicycles, and mopeds as defined in subdivision d1. of this subdivision.

North Carolina Definitions

Electric Assisted Bicycle. – A bicycle with two or three wheels that is equipped with a seat or saddle for use by the rider, fully operable pedals for human propulsion, and an electric motor of no more than 750 watts, whose maximum speed on a level surface when powered solely by such a motor is no greater than 20 miles per hour.

Motor-driven bicycle. – A vehicle with two or three wheels, a steering handle, one or two saddle seats, pedals, and a motor that cannot propel the vehicle at a speed greater than 20 miles per hour on a level surface. This term shall not include an electric assisted bicycle as defined in subdivision (7a) of this section.

Moped. - A vehicle, other than a motor-driven bicycle or electric assisted bicycle, that has two or three wheels, no external shifting device, a motor that does not exceed 50 cubic centimeters piston displacement and cannot propel the vehicle at a speed greater than 30 miles per hour on a level surface. The motor may be powered by electricity, alternative fuel, motor fuel, or a combination of each.



E-Bike Class System

- **Class 1:** e-Bikes that are pedal-assist only, with no throttle, and have a maximum assisted speed of 20 mph.
- **Class 2:** e-bikes that also have a maximum speed of 20 mph, but are throttle -assisted.
- **Class 3:** e-Bikes that are pedal-assist only, with no throttle, and a maximum assisted speed of 28 mph. **(Not covered within State Law)**

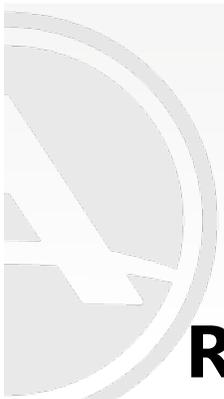
Apex Local Ordinances

Sec. 20-3. - Protective helmets required.

Every person less than 16 years of age operating or riding a bicycle, moped, inline skates, roller skates, skate board, scooter, or other similar vehicle or device on a public street, sidewalk, greenway, or other right-of-way or on any property owned or controlled by the town shall wear a protective helmet on his head, with the chin strap securely fastened under the chin. Such helmet shall be fitted to the size of the wearer and shall meet or exceed the standards for bicycle helmet use and wear asset by ANSI (American National Standards Institute) or the Snell Memorial Foundation. Riding a vehicle or device includes riding as a passenger. No parent or guardian of any juvenile shall knowingly allow such juvenile to violate this section.

Sec. 20-143. - Riding bicycles, scooters and skateboards on sidewalk.

No person shall ride a bicycle, scooter or skateboard on any public sidewalk without due caution and shall yield the right-of-way to all pedestrians and persons on other permitted devices using said sidewalks. Speed shall be limited to ten miles per hour on sidewalks and paths of five feet or less in width and when crossing the intersection of a public street or driveway along any sidewalk or path. No person shall ride a bicycle, scooter or skateboard on the sidewalks along North Salem Street between Chatham Street and Templeton Street or along Chatham Street between Seaboard Street and Commerce Street.



Recommendations:

- Define E-Bikes and E-Scooters in local ordinance
- Keep E-Bike regulations consistent with Bike regulations
- Restrict Class 3 E-Bikes and E-Scooters in specific areas (greenways, sidewalks, etc....)
- Education campaign between public safety and communications



Noise Ordinance

Apex Local Ordinance

Sec. 14-29. - Noise; definitions.

Construction means on-site erection, fabrication, installation, alteration, repair, demolition or removal of any structure, facility or addition thereto, including all related activities including, but not restricted to, clearing of land, earth moving, blasting and landscaping. Construction does not include owner occupied residential projects completed solely by the property owner and which do not require a building permit.

Sec. 14-31. - Sound emission standards and limitations.

Unless otherwise specifically indicated, it shall be unlawful during the daytime or nighttime hours for any person to cause or allow the emission of sound from any source or sources which when measured pursuant to [section 14-30](#), exceed the maximum decibel limits specified in table 1 more than ten percent of any measuring period, which shall be the length of time to take 100 readings at consecutive ten-second intervals.



Apex Local Ordinance

Sec. 14-33. - Other prohibited noises.

The following acts are specifically declared to be unreasonably loud, annoying, frightening, loud or disturbing noise, the emission of which shall be unlawful:

15. The collection of garbage, recyclables and yard waste between the hours of 11:00 p.m. and 6:00 a.m. This prohibition shall not apply to industrial facilities located in industrial zoning districts including LI (light industrial) and TF (tech/flex) as defined by the unified development ordinance

Sec. 14-35. - Inference in prosecution for noise violation.

The complaints of two or more persons, at least one of whom resides in a different home from the other complaining person or persons, or the complaint of one or more persons, when combined with the complaint of a duly authorized investigating person, shall be prima facie evidence that such sound is a loud and annoying, frightening, loud and disturbing, or unreasonably loud noise.



Recommendations:

- Define “loud and excessive” noise
- Restrict specific construction noise (nail gun, hammering/banging, machine operating noise, vehicle noise)
- Remove “loud and excessive” as a requirement for construction noise during set time periods

The image shows the Apex Police Department building, a large brick structure with a central entrance and two flags (American and North Carolina) on poles. In the foreground, two police vehicles are parked: a white SUV on the left and a white sedan on the right, both with "APEX POLICE" and "811" markings. A green banner with white text is overlaid across the middle of the image.

Crime Data/Dashboards

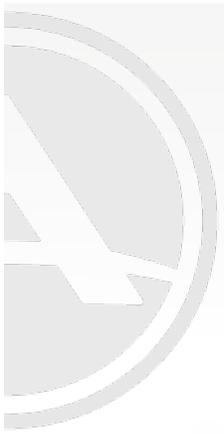
National Incident Based Reporting System (NIBRS)

An "incident" is defined for NIBRS reporting purposes as one or more offenses committed by the same offender, or group of offenders acting in concert, at the same time and place. "Acting in concert" requires offenders actually commit or assist in the commission of the crime(s). The offenders must be aware of, and consent to, the commission of the crime(s); or even if nonconsenting, their actions assist in the commission of the offense(s). This is important because all of the offenders in an incident are considered to have committed all of the offenses in the incident. If one or more of the offenders did not act in concert, then there is more than one incident involved.

"Same time and place" means that the time interval between the offenses and the distance between the locations where they occurred were insignificant. Normally, the offenses must have occurred during an unbroken time duration and at the same or adjoining location(s). However, incidents can also be comprised of offenses which by their nature involve continuing criminal activity by the same offender(s) at different times and places, as long as the activity is deemed to constitute a single criminal transaction.

Public Dashboards

- [Crime Dashboard](#)
- [Community Policing Dashboard](#)



Questions?