



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

MEMORANDUM

December 12, 2016

TO: Mayor and Board of Commissioners

FROM: Debora P. Diaz, Town Manager

REF: Old Business

2. Options for dogs on the beach (Attached OB-2)

During the spring and summer of 2016, the Board of Commissioners discussed and received public input on the possibility of amending the existing Town Code's restrictions on the time limits that dogs may be on the Town's beaches. In July, the Board opted to take no action on the issue and directed it return to public meeting in the fall. The last meeting on November 14, 2016 included the semi-annual Public Forum, and a request was heard with a petition presented supporting the request, to amend the schedule, preferably to allow dogs on the beach at all times during the year, but with an offer to accept a compromise that would reduce the restrictions to only Memorial Day through Labor Day. The existing Town Code language follows:

§ 96.06 ANIMALS ON THE BEACH.

Time. Between May 1 and September 30 of each year, no dogs shall be permitted on the public beach between the hours of 9:00 a.m. and 6:00 p.m. unless being used to aid a handicapped person. At all other times, no dogs shall be permitted on the public beaches except upon a leash and under the control of owner or handler. (Ord. 15-1, passed 6-8-15)

At the conclusion of discussions at the November meeting, the Board of Commissioners directed Staff to provide three options they might consider in resolving this matter. These options were to include:

1. Lift the ban;
2. A middle ground; or
3. Make no change.

Since the last meeting, Town Clerk Mary Quidley has attempted to verify residency of those persons who signed the petition, and those who submitted e-mail messages both since and for the July 2016 meeting. The records she used to assist with this task were the Dare County ad valorem tax records and the Board of Elections voter registration list for Kill Devil Hills. The voter registration list has not yet been updated to include provisional voters for the November election and as soon as that is completed Ms. Quidley will conduct another review and provide the Board with any updated information. Also, if there is new information we will copy that to the packet materials for this meeting.

Petition to Walk Dogs on the Beach in Kill Devil Hills All Year – 115 total signatures

Confirmed Real Property Taxpayer/Resident	32
Confirmed KDH Address/Possibly Residential or Commercial Renters	33
Unconfirmed Resident/Taxpayer/with KDH Address	6
Outside of KDH	41
Duplicates	3

Attached to this memorandum are three draft ordinance amendments, which if either is adopted would accomplish the first two options. If no change in the existing ordinance is desired, no action need be taken.

Board guidance or action will be appropriate.

AN ORDINANCE AMENDING CHAPTER 130, GENERAL OFFENSES
OF THE KILL DEVIL HILLS TOWN CODE

BE IT HEREBY ORDAINED by the Board of Commissioners of the Town Code of the
Town of Kill Devil Hills shall be amended as follows:

Chapter 96: Seaside Regulations

§ 96.06 Animals on the beach.

~~Time. Between May 1 and September 30 of each year, no dogs shall be permitted on the public beach between the hours of 9:00 a.m. and 6:00 p.m. unless being used to aid a handicapped person. At all other times no Dogs shall be permitted on the public beaches except upon a leash and under the control of owner or handler.~~

This amendment to Chapter 130 GENERAL OFFENSES, SEASIDE REGULATIONS,
shall be in full force and effect from and after the _____ day of _____, 2016.

Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a
regular meeting held on _____, 2016, by a vote of _____ in favor and _____
opposed.

SEAL

Sheila F. Davies, Ph.D.
Mayor

ATTEST:

Mary E. Quidley, Town Clerk

APPROVED AS TO FORM:

Casey C. Varnell, Town Attorney

The undersigned hereby certifies that the foregoing official amendment, designated AN ORDINANCE AMENDING CHAPTER 130 GENERAL OFFENSES, SEASIDE REGULATIONS, was placed in the Kill Devil Hills Town Code Book on the _____ day of _____, 2016 at _____ p.m.

Mary E. Quidley
Town Clerk

AN ORDINANCE AMENDING CHAPTER 130, GENERAL OFFENSES
OF THE KILL DEVIL HILLS TOWN CODE

BE IT HEREBY ORDAINED by the Board of Commissioners of the Town Code of the
Town of Kill Devil Hills shall be amended as follows:

Chapter 96: Seaside Regulations

§ 96.06 Animals on the beach.

Time. Between ~~May 1 and September 30~~ Memorial Day and Labor Day of each year, no dogs shall be permitted on the public beach between the hours of 9:00 a.m. and 6:00 p.m. unless being used to aid a handicapped person. At all other times, no dogs shall be permitted on the public beaches except upon a leash and under the control of owner or handler.

This amendment to Chapter 130 GENERAL OFFENSES, SEASIDE REGULATIONS, shall be in full force and effect from and after the _____ day of _____, 2016.

Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a regular meeting held on _____, 2016, by a vote of _____ in favor and _____ opposed.

SEAL

Sheila F. Davies, Ph.D.
Mayor

ATTEST:

Mary E. Quidley, Town Clerk

APPROVED AS TO FORM:

Casey C. Varnell, Town Attorney

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Mary E. Quidley
Town Clerk

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OF THE KILL DEVIL HILLS TOWN CODE

BE IT HEREBY ORDAINED by the Board of Commissioners of the Town Code of the
Town of Kill Devil Hills shall be amended as follows:

Chapter 96: Seaside Regulations

§ 96.06 Animals on the beach.

Time. Between ~~May 1 and September 30~~ May 15 and September 15 of each year, no dogs shall
be permitted on the public beach between the hours of 9:00 a.m. and 6:00 p.m. unless being used
to aid a handicapped person. At all other times, no dogs shall be permitted on the public beaches
except upon a leash and under the control of owner or handler.

This amendment to Chapter 130 GENERAL OFFENSES, SEASIDE REGULATIONS,
shall be in full force and effect from and after the _____ day of _____, 2016.

Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a
regular meeting held on _____, 2016, by a vote of _____ in favor and _____
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Mary E. Quidley
Town Clerk