



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

MEMORANDUM

September 13, 2021

TO: Mayor and Board of Commissioners

FROM: Debora P. Diaz, Town Manager

REF: New Business

4. Proposed amendment to the Town Code, Chapter 96, Seaside Regulations to amend beach driving requirements (Attached NB-4)

As Assistant Town Manager Charlene Allen explains in the attached information, the Town of Nags Head has recently modified their beach driving ordinance to change the speed limit from 25 MPH to 15 MPH for vehicles operating on the oceanfront. We have had a reciprocal arrangement with Nags Head for more than several years that allows beach driving permit holders to drive on the beach in both municipalities.

The attached amendment proposes to amend Kill Devil Hills' beach driving regulations as follows:

- By adding the requirement for one-wheeled vehicles to comply with the permitting process;
- By changing the speed limit for driving on the beach from 25 MPH to 15 MPH; and
- By adding language that establishes beach driving privileges for disabled persons (which is included in Nags Head's regulations).

Staff recommends approval of the attached ordinance amendment as presented and a motion will be in order.



September 13, 2021

Memorandum

TO: Debbie Diaz, Town Manager
FROM: Charlene Allen, Assistant Town Manager
REF: Regulations Governing Off-Road Vehicles

Through a reciprocal agreement, KDH beach driving permits are recognized between the Town of Nags Head and Kill Devil Hills. This allows the holder of a KDH permit to drive on Nags Head Beaches and vice versa. With the beach driving season coming up October 1, 2021, there are a few changes staff are requesting to the current beach driving regulations. These changes are substantially similar with recent changes the Town of Nags Head has made to their beach driving regulations as well. The Police and Fire Department Heads have reviewed these changes and concur. We recommend these changes be approved as submitted.

AN ORDINANCE AMENDING CHAPTER 96, SEASIDE REGULATIONS,
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 by deleting those words that have been ~~stricken~~, and adding those words that have been underlined:

BEACH DRIVING

§ 96.20 GENERALLY.

(A) No person shall operate any vehicle of any type, such as a beach buggy, jeep, motorcycle, bicycle, dirt-bike, any one-, two-, three-, four- or more wheeled vehicle powered by any type of motor or physically propelled on the ocean beach area from May 1 through September 30.

(B) This section shall not prohibit the use of specified vehicles from that area seaward of and including the frontal dune system by commercial anglers engaged in commercial fishing activities.

(Ord. 15-1, passed 6-8-15)

§ 96.22 RULES OF OPERATION; OPERATION ON BEACHES.

Vehicles operated on the ocean beach in Kill Devil Hills shall be operated in accordance with the following rules:

(A) Permitted vehicles going to and from the beach area shall use as an entrance and exit only the designated vehicular beach access points which shall be designated as such by the Board of

Commissioners of the town and appropriately marked. No vehicle shall at any time cross to the beach unless crossing at designated accesses.

(B) No vehicle shall be operated on the beach at a speed in excess of ~~25~~ 15 miles per hour.

(C) No vehicle shall be operated west of the "toe of slope" of the dune except in going to and from the beach area at authorized vehicular beach access points. However, nothing contained in this section shall be construed to permit driving on the barrier dunes or driving on private property without the express permission of the owner, even though the "toe of slope" may be located west of the private property east boundary, which extends to the mean high water mark of the ocean.

(D) No vehicle shall be operated between the waterline and the high tide mark (commonly referred to as the "wet sand" area).

(E) Vehicles having permits may be operated on the beach only from one-half hour prior to sunrise to one-half hour following sunset daily.

(F) Pedestrians, including swimmers, bathers, and sunbathers shall have the right-of-way over all vehicles being operated on the beach.

(G) The ordinances adopted herein and the provisions of G.S. Chapter 20 shall be enforced on the ocean beaches within the boundaries of Kill Devil Hills as provided by G.S. §§ 160A-205, 160A-175, and Chapter 20.

(H) Any operator of any vehicle on the beach area or going to and from the beach must have a current and valid motor vehicle operator's license issued by their state of residence.

(Ord. 15-1, passed 6-8-15)

§ 96.23 BEACH DRIVING PRIVILEGES FOR DISABLED INDIVIDUALS.

The police chief or designee may issue permits allowing for the use of an all-terrain vehicle on areas covered by this section when such use constitutes a reasonable accommodation under the Americans with Disabilities Act as Amended to enable a disabled person to operate a vehicle as otherwise authorized under this Chapter. Permits may be obtained at either the Town of Kill Devil Hills Police Department or the Town of Nags Head Police Department during normal office hours.

(A) The application for a permit shall be accompanied by a certification from a licensed physician that the applicant has a disability that prevents them from obtaining a permit to operate a vehicle as defined in this Chapter on the ocean beach.

(B) Beach driving for all persons is permitted only from October 1 through April 30, annually.

(C) Upon receiving an application for a beach driving permit that meets the requirement of this ordinance, the police department may issue a beach driving permit which shall be limited to one beach driving season. Applicants may seek a permit for each beach driving season.

(B) The date and time limitation provided in § [96.21](#) shall not apply to commercial anglers holding a valid state commercial angler's license when engaged in commercial fishing activities.

(Ord. 15-1, passed 6-8-15)

This amendment to Chapter 96, SEASIDE REGULATIONS, shall be in full force and effect from and after the _____ day of _____, 2021. Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a regular meeting held on _____, 2021, by a vote of _____ in favor and _____ opposed.

SEAL

Benjamin A. Sproul, Mayor

ATTEST:

Mary E. Quidley, Town Clerk

APPROVED AS TO FORM:

Casey Varnell, Town Attorney

The undersigned hereby certifies that the foregoing official amendment, designated AN ORDINANCE AMENDING CHAPTER 96, SEASIDE REGULATIONS, was placed in the Kill Devil Hills Town Code Book on the _____ day of _____, 2021 at _____ p.m.

Mary E. Quidley
Town Clerk