



TOWN OF KILL DEVIL HILLS
Land Where Flight Began

MEMORANDUM

August 14, 2023

TO: Mayor and Board of Commissioners

FROM: Debora P. Díaz, Town Manager

REF: New Business

4. Chapter 95, Fire Prevention and Protection, §95.02 Pit Fires – requested amendment to establish a stationary outdoor gas fire pit exception (Attached NB-4)

A code amendment application has been submitted by John J. Kirchmier, III, requesting the establishment of an exception to Chapter 95, Fire Prevention and Protection, §95.02 Pit Fires that would permit stationary outdoor gas fire pits, with approval of the Fire Marshal. Assistant Planning Director Cameron Ray's attached meeting memorandum highlights the changes. Staff recommends approval of the requested amendment, as presented.

A motion would be in order.

Director of
Planning and Inspections
MEREDITH GUNS



Assistant Director of
Planning and Inspections
CAMERON RAY

Building Inspector
MARTY SHAW
CHARLES THUMAN

Senior Planner
RYAN LANG

Code Enforcement Officer
JORDAN BLYTHE

Zoning Administrator
DONNA ELLIOTT

THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

PLANNING DEPARTMENT

August 14, 2023

Memorandum

To: Debbie Diaz, Town Manager

From: Cameron Ray, Assistant Planning Director 

Subject: Code Amendment Request – 95.02 Pit Fires: Outdoor Gas Fire Pit Exception

Attached is a Code Amendment application from John Kirchmier to amend Town Code section 95.02 of the Kill Devil Hills Fire Prevention Code and comments from the Fire Marshal. The amendment request is to 95.02 Pit Fires to allow stationary gas fire pits to be permitted after review and approval by the Fire Marshal and Building Inspector. Currently, 95.02 prohibits all pit fires or open-type burn. The following is the requested language;

§ 95.02 PIT FIRES.

It shall be unlawful for any person or persons to build or set a pit fire or other open-type burn, for any purpose except for stationary outdoor gas fire pits that are required to be permitted and approved by the Fire Marshal and comply with the North Carolina Mechanical Code.

Staff recommends the Board of Commissioners approve the amendment as presented.

AN ORDINANCE AMENDING THE KILL DEVIL HILLS TOWN CODE,
CHAPTER 95, FIRE PREVENTION AND PROTECTION

BE IT HEREBY ORDAINED BY THE Kill Devil Hills Board of Commissioners that Chapter 95, Fire Prevention and Protection, of the Kill Devil Hills Town Code, shall be amended by, adding the underlined language and deleting the following ~~stricken~~ language to the section identified below, as follows:

General Provisions

§ 95.02 PIT FIRES.

It shall be unlawful for any person or persons to build or set a pit fire or other open-type burn, for any purpose; except for stationary outdoor gas fire pits that are required to be permitted and approved by the Fire Marshal and comply with the North Carolina Mechanical Code.

This amendment to Chapter 95, Fire Prevention and Protection, shall be in full force and effect from and after the ____ day of _____, 2023. Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a regular meeting held on the ____ day of _____, 2023, by a vote of ____ in favor and ____ opposed.

SEAL

Ben Sproul
Mayor

ATTEST:

James Michael O'Dell
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 95, FIRE PREVENTION AND PROTECTION, was placed in the Kill Devil Hills Town Code Book on the _____ day of _____, 2023 at _____ .m.

James Michael O'Dell
Town Clerk



Kill Devil Hills

North Carolina

CODE AMENDMENT APPLICATION

Planning and Inspections Department

(252) 449 – 5318

102 Town Hall Drive

Kill Devil Hills, NC 27948

FEE: \$500.00

The purpose of this application is to *request* a code amendment, or a permanent alteration, to the Kill Devil Hills Town Code.

Required attachments/submittals for an application for a code amendment:

- 1.) A completed application
- 2.) One copy of the code in question (existing Kill Devil Hills Town Code)
- 3.) One copy of your proposed code amendment, with the proposed changes highlighted
- 4.) Application Fee, *which is nonrefundable*

*****Important:** If any of the above requirements are not present at the time of submittal, the application will be deemed incomplete and will not be accepted.***

Certification:

I (we) hereby acknowledge and say that the information contained herein and herewith is true and that this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the Town of Kill Devil Hills Planning and Inspections Department.

Petitioner's Name (Please Print): John J. Kirchner II

Petitioner's Signature:  Date: 8-7-23

For Staff Use Only:

Fee Received by: 

Date: 8/7/2023



Town of Kill Devil Hills
North Carolina

Application for a Code Amendment

(Please Type or Print)

Petitioner

Name:

John Kirchmier

Address:

1200 S. VA DARE TRL
KDH, NC 27948

Telephone Number:

252-202-1049

Email:

info@bonzershack.com

Agent for Petitioner (If Applicable)

Name:

Address:

Telephone Number:

Email:

I hereby request an amendment to the following specific section of the Town Code:

Chapter: 95.02 Code: Pit Fires

Title: 95.02 Pit Fires

To this application, attach:

- One copy of the code in question (existing Kill Devil Hills Town Code)
- One copy of your proposed code amendment, with the proposed changes highlighted



Town of Kill Devil Hills
North Carolina

Application for a Code Amendment

1. Please provide a **detailed** justification for the proposed amendment (*attach additional pages as needed*):

Enhancement of outdoor dining areas

2. How does this proposed amendment help to promote the public health, safety, and general welfare? (*attach additional pages as needed*)

OUTDOOR GAS FIREPITS ARE REGULATED BY THE
NC MECHANICAL + FIRE CODE

§ 95.02 PIT FIRES.

It shall be unlawful for any person or persons to build or set a pit fire or other open-type burn, for any purpose.

Penalty, see § 10.99

§ 95.02 PIT FIRES.

It shall be unlawful for any person or persons to build or set a pit fire or other open-type burn, for any purpose except for stationary outdoor gas fire pits that are required to be permitted and approved by the Fire Marshal and comply with the North Carolina Mechanical Code.

Penalty, see § 10.99



Town of Kill Devil Hills Planning and Inspections
252-449-5318

PAID
AUG - 7 2023
TOWN OF
KILL DEVIL HILLS

NON-REFUNDABLE FEES

Date: 8/7/2023

- | | |
|--|---|
| <input type="checkbox"/> Board of Adjustments | <input type="checkbox"/> Exempt plat/Subdivision |
| <input type="checkbox"/> CAMA | <input type="checkbox"/> Fines and/or Re-Inspection Fee |
| <input type="checkbox"/> Copies | <input type="checkbox"/> Site Plan Review |
| <input checked="" type="checkbox"/> Text Amendment | <input type="checkbox"/> Permit Re-instatement |
| <input type="checkbox"/> Other: _____ | |

Amount: \$500.00

Received From: John J. Kirchmier

Description: Code amendment application: 95.02 Pit Fires

Received by: Cameron Ray

Ray, Cameron

From: Risoldi, John
Sent: Monday, August 7, 2023 3:44 PM
To: Ray, Cameron
Subject: RE: Code Amendment Application - 96.02 Pit Fires

Future applications shall be submitted for prior approval and the fire marshal shall be able to revoke any previous granted permit due to safety concerns until the safety concern is remedied.



John L. Risoldi, Sr.
Fire Marshal/Health & Safety Officer
Certified North Carolina Fire Investigator
Town of Kill Devil Hills
1634 N. Croatan Highway, P. O. Box 1719
Kill Devil Hills, NC 27948
252-480-4060 x 5227 - Office
252-573-3874 - Direct
252-480-4069 - Fax
johnr@kdhnc.com

"Everyday is a Fire Prevention Day"

From: Ray, Cameron <Cameron@kdhnc.com>
Sent: Monday, August 7, 2023 11:11 AM
To: Risoldi, John <JOHNR@kdhnc.com>
Subject: Code Amendment Application - 96.02 Pit Fires

Good Morning John,

Attached is a code amendment application to chapter 96.02 Pit Fires, submitted by John Kirchmier. As requested in the amendment, this would allow for stationary gas fire pits to be used at approved locations that meet the NC Fire Code and the NC Mechanical Code. Please review and provide any comments you have as soon as possible.

Sincerely,

Cameron Ray, CFM, CZO
Assistant Planning Director
PO Box 1719
Kill Devil Hills, NC 27948
252-449-5311 phone