



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

MEMORANDUM

January 12, 2026

TO: Kill Devil Hills Board of Commissioners

FROM: Debora P. Díaz, Town Manager 

REF: New Business

3. Proposed Amendment, Chapter 71, Traffic Regulations: Prohibition of Vehicular Travel in Flooded Areas (Attached NB-3)

Often following storm or heavy-rain events, curious or thrill-seeking individuals sometimes venture onto flooded roadways, displacing large amounts of standing water and causing additional damage to property or creating unsafe conditions for individuals.

The Police Department's meeting memorandum highlights its mission to promote public safety and prevent damage in those flooded areas, and proposes an amendment to Chapter 71, Traffic Regulations. If adopted, this amendment would make it unlawful for a motorist to operate a vehicle in flood waters, displacing water and/or creating a wake that would adversely affect property or cause injury to individuals or animals.

Since this proposed amendment does not affect Title XV, Land Usage, of the Town Code of Ordinances, a public hearing is not required. Staff recommends approval and a motion to approve the proposed amendment to Chapter 71, Traffic Regulations: Prohibition of Vehicular Travel in Flooded Areas would be in order.



Assistant Chief
Dana Harris

KILL DEVIL HILLS POLICE DEPARTMENT

Post Office Box 1605, 102 Town Hall Drive
Kill Devil Hills, North Carolina 27948
252-449-5337
www.kdhnc.com

Memorandum

Date: January 12, 2026

To: Debbie Díaz, Town Manager

From: Dana Harris, Assistant Chief of Police

Re: Ordinance to Promote Public Safety and prevent damage in Flooded Areas

Due to areas of our town being susceptible to Flooding, I would propose an Ordinance to protect the Public and prevent damage from vehicles that would cause damaging wakes.

I have attached a possible ordinance/code that should cover such situations.

Thank you for your consideration.

**AN ORDINANCE AMENDING THE
KILL DEVIL HILLS CODE OF ORDINANCES,
CHAPTER 71, TRAFFIC REGULATIONS**

BE IT ORDAINED by the Kill Devil Hills Board of Commissioners that Chapter 71, Traffic Regulations, of the Kill Devil Hills Town Code of Ordinances, shall be amended by adding the underlined language and deleting the following ~~stricken~~ language to the sections identified below, as follows:

§ 71.22 PROHIBITION OF VEHICULAR TRAVEL IN FLOODED AREAS

“It is the intent of this ordinance to promote public safety and safe operation of motor vehicles while simultaneously protecting property by limiting the dispersal of water in flooded areas within the Town by vehicles. For the purposes of this ordinance, ‘flooded’ means greater than two (2) inches of water on the travel surface of any right-of-way.”

(A) Where areas of travel, including streets, rights-of-way, and Town property are flooded and a Police Officer deems that vehicular travel through the area may cause damage to homes, businesses, vehicles or other property, it shall be unlawful to drive / operate a motor vehicle through the flooded area causing the water to be displaced and/or create a wake of water in a manner that may adversely affect homes, businesses, vehicles, property, and/or cause injury to persons or animals. Posted signage advising of the flooded area is not necessary to violate this code. The owner of the vehicle shall be deemed the violator when the vehicle's license plate is obtained, even if the vehicle is not stopped by law enforcement at the time of the violation. First responders, governmental employees, and utility service vehicles responding to emergencies or in a state of emergency are exempt.

BE IT FURTHER ORDAINED that it is the intent of the Board of Commissioners that the provisions of this ordinance shall be made a part of the Kill Devil Hills Code of Ordinances; the sections of this ordinance may be re-numbered or re-lettered; and the word "ordinance" may be changed to "section," "article," "chapter," or other appropriate designation to accomplish such intention as needed.

This amendment to Chapter 71, Traffic Regulations, shall be in full force and effect from and after the ____ day of _____, 202_. Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a regular meeting held on the ____ day of _____, 202_, by a vote of ____ in favor and ____ opposed.

SEAL

John Windley
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 THE KILL DEVIL HILLS TOWN CODE, CHAPTER 71, TRAFFIC REGULATIONS, was placed in the Kill Devil Hills Town Code Book on the ____ day of _____, 202_, at _____.m.

James Michael O'Dell
Town Clerk