

**AN ORDINANCE AMENDING THE  
KILL DEVIL HILLS CODE OF ORDINANCES,  
CHAPTER 96, SEASIDE REGULATIONS**

**BE IT ORDAINED** by the Kill Devil Hills Board of Commissioners that Chapter 96, Seaside 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:

**GENERAL PROVISIONS**

**§ 96.01 DEFINITIONS.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning.

*ANCHOR.* Device(s) used to secure beach equipment to the ground to prevent movement, particularly by wind including guy lines, such as cords, strings, or straps used to secure beach equipment.

*BARRIER DUNE.* The easternmost sand dune system of sand dunes which lies just west of the mean high water mark of the Atlantic Ocean and forms a protective barrier from the actions of the Atlantic Ocean.

*BEACH CANOPY.* A temporary, portable shade structure commonly used by individuals or groups for protection from the sun or other outdoor conditions. A beach canopy commonly consists of a four-sided structure with metal frame and/or four corner supports covered with fabric or like material. A beach canopy may also consist of a fabric shade having multiple sides

supported by a frame and/or poles. For the purpose of this article, beach canopy and beach tent shall have the same meaning.

**BEACH CONCIERGE SERVICE.** The activity of providing setup and/or removal of beach equipment on the public beach for a fee. Beach equipment setup may include but is not limited to beach canopy, tent, umbrella, chair, cooler, or recreation equipment.

**BEACH EQUIPMENT.** Shall include, but not necessarily be limited to, commonly used and privately or commercially owned personal property, equipment, or other accouterments used, needed, or wanted, for use or enjoyment on or at the beach or in the Atlantic Ocean, including but not limited to chairs, coolers, umbrellas, fishing rods/reels or other equipment, surfboards, boogie boards, canopies, volleyball/badminton/tennis nets or the like, cabanas, tents, supplies or other items, materials or gear.

**BEACH UMBRELLA.** A shade structure commonly used on the beach consisting of a single center pole with a shade fabric like material affixed to a frame that can be lowered or raised along the pole.

**COMMERCIAL ANGLER.** A person holding a valid North Carolina Commercial Fishing License entitling them to fish in the Atlantic Ocean.

**COMMERCIAL BEACH CANOPY.** A beach canopy that is rented, either directly through a beach concierge service or indirectly as part of a vacation rental accommodation.

**COMMERCIAL BEACH UMBRELLA.** A beach umbrella that is rented, either directly through a beach concierge service or directly as a part of a vacation rental accommodation.

**LEASH.** A line capable of being attached to a board used for surfing and to the surfer, which is of sufficient diameter and strength to restrain the board at a distance from the surfer no greater than the length of the line.

**OCEAN BEACH; BEACH.** The area defined as the dry sand area between the first line of stable natural vegetation or the eastern base of the barrier dune and the high water mark; and the area adjacent to the Atlantic Ocean subject to public trust rights, which includes the wet sand area of the beach that is subject to regular flooding by tides.

**PUBLIC BEACH ACCESS.** Publicly owned land that provides access to the open beach either for persons or vehicles. Accesses may or may not have constructed accessways.

**PUBLIC VEHICULAR AREA.** The ocean beach in Kill Devil Hills.

**SAND DUNE.** Any mound, hill, ridge or pile of sand which has an overall height, at its highest point from the mean or average level or elevation of the area from which the slope of the dune begins, of at least ten feet.

**SIGN, BEACH CANOPY.** A sign affixed, located on or otherwise displayed on any surface of a beach canopy or umbrella in such a manner as to be visible to the public and which conveys a commercial message advertising, marketing, promoting, or describing a business that is providing a service to the individuals using the beach canopy, including, but not limited to, the placement of beach equipment, vacation rentals, or other services.

**SPEAR FISHING.** Fish underwater using a spear-like implement used manually or propelled mechanically to impale, stab or pierce any marine life.

**TOE OF SLOPE.** That point between the ocean and the barrier sand dune where the uniform line of slope from the ocean toward the barrier dune begins an abrupt change of angle of direction upward and becomes the slope of the barrier dune.

**VEHICLE.** Automobiles, trucks, jeeps, beach buggies, motorcycles, dirt-bikes, ATVs, bicycles, go-carts, helicopters and aircraft, wind-powered vehicles, physically powered vehicles, amphibious vehicles, extra terrain vehicles or any other automotive or motor-driven machine, by whatsoever name or description.

**VEHICULAR BEACH ACCESS POINT.** An access maintained by the town for use by vehicles at a designated location, usually on a town street. Vehicle access is permitted at these points and at no other location.

#### **§ 96.09 BEACH EQUIPMENT.**

(A) All beach equipment, beach canopies, and beach umbrellas shall comply with the following:

(1) Canopy shall not be greater than 12 feet by 12 feet, and no greater than 10 feet in height;

(2) No more than two canopies within 10 feet of the other;

(3) Equipment shall not be set up before 6:00 a.m. and shall be removed by 8:00 p.m.;

(4) Beach equipment shall be anchored/secured to prevent lift or movement on the beach;

(5) Anchors shall not extend more than 5 feet from equipment;

(6) All beach equipment and/or games shall be located under a beach canopy or beach umbrella when unoccupied.

(B) Beach Concierge Regulations

(1) Business Registration - No beach concierge service shall engage in business on Town beaches without first obtaining a permit annually from the Town. The following will be required to obtain a permit:

(a) Proof of Liability Insurance; and

(b) Surety Bond of \$5,000

(2) Operations. Beach concierge businesses shall follow the following regulations:

(a) Equipment shall not be set up before 6:00 a.m. and shall be removed by 8:00 p.m.

(b) Equipment shall not be set up within 30 feet laterally between mean high water line and public access way, lifeguard stand, and/or vehicular beach dune crossing. Exceptions to this for persons with disabilities can be requested and equipment shall be identified with special placard.

(c) Maximum canopy size shall be 12 feet by 12 feet including guy lines, stakes or weights that secure the canopy, and no greater than 10 feet in height.

(d) No more than two canopies within 10 feet of the other.

(e) All beach equipment including chairs and games shall be fully contained under the canopy or umbrella if unoccupied.

(f) All transactions/solicitations of business related to the operation of this service, including tips, shall occur off the beach, i.e., west of the barrier dune, and shall not occur at a public beach access. Beach equipment may not be placed on the beach without an advance request for such service by the customer. Beach concierge service providers may not place beach equipment on the beach without an advance request for such service by the beachgoers to be served or a request on their behalf.

(g) Signage. Beach equipment shall contain only incidental commercial signage. Specifically, individual beach canopy/umbrella signs shall not exceed 144 square inches in area. There shall not be more than two beach canopy/umbrella signs on any individual piece of equipment. Property identifiers such as initials and numbering shall be located on the interior or underside of a shade structure. Any other signage shall not be visible from the beach. Commercial signage shall be approved by the Planning Department as part of annual permitting and licensing.

(3) Any violation of these regulations shall result in any of the following actions:

(a) Removal and disposal of beach equipment (left on the beach overnight);

(b) Issuance of civil penalty pursuant to section 10.99 of this Code; or

(c) Revocation of the permit. Three separate violations in one calendar year shall result in immediate revocation of permit for the remainder of the calendar year or a period of nine (9)

months, whichever is greater. If any permit is revoked by the Planning Department, the permit holder may appeal to the Planning Department within 10 days of revoked permit for further consideration.

(A) *Prohibited.* The following activities shall be unlawful on the ocean beach by individuals, groups, and beach concierge services:

(1) Beach equipment placed or erected that:

(a) Prevents or disrupts the passage of emergency or rescue vehicles or other town or government services vehicles; or

(b) Placement of apparatus, equipment, or personal belongings including but not limited to umbrellas, tents or canopies in such a manner as to obstruct the line of sight to the water from lifeguard stands or other Ocean Rescue Division surveillance areas.

(2) *Overnight placement of beach equipment.* Any manner of overnight placement or storage of privately owned beach equipment, left unattended, in the open air or, inside any type of container, box or chest; or, bundled, baled or gathered, covered or uncovered, on the ocean beach between the hours of sunset and sunrise.

(3) *Overnight storage of any articles and/or storage containers associated with any commercial business or rental company.* All ~~commercial rentals or sales~~ beach concierge equipment must be located ~~within the principal business and property~~ west of the dry sand area barrier dune.

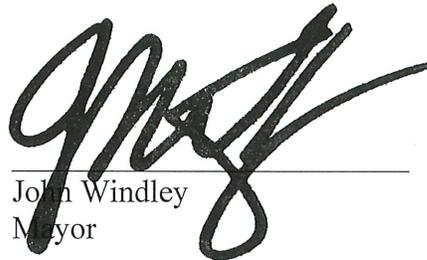
(B) *Remedies.* Violations of this section shall result in the classification of unattended beach equipment, personal property, or debris of any kind as litter or unsafe property and said property may be removed by the town and shall be disposed of as litter, trash, garbage or rubbish.

**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 96, Seaside Regulations, shall be in full force and effect from and after the 12<sup>th</sup> day of January, 2026. Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a regular meeting held on the 12<sup>th</sup> day of January, 2026, by a vote of 4 in favor and 0 opposed.

SEAL



  
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John Windley  
Mayor

ATTEST:

  
\_\_\_\_\_  
James Michael O'Dell  
Town Clerk

APPROVED AS TO FORM:

  
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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 96, SEASIDE REGULATIONS, was placed in the Kill Devil Hills Town Code Book on the 13<sup>th</sup> day of January, 2026, at 9:00 a.m.

  
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James Michael O'Dell  
Town Clerk