



TOWN OF KILL DEVIL HILLS
Land Where Flight Began

MEMORANDUM

March 9, 2026

TO: Mayor and Board of Commissioners
FROM: Debora P. Díaz, Town Manager 
REF: New Business

1. Proposed Amendment to Chapter 93, Nuisances – §93.01(J) Certain Conditions Declared Nuisances: Clarify Building Code Compliance (Attached NB-1)

The Planning Department's meeting memorandum highlights the recommendation to update §93.01(J) Certain Conditions Declared Nuisances (J) Building Code Compliance, as the current ordinance does not fully address nuisances related to building code compliance issues.

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 of the amendment as presented, and a motion would be in order to approve the proposed amendment to Chapter 93, Nuisances – §93.01(J) Certain Conditions Declared Nuisances.

Director of
Planning and Inspections
MEREDITH GUNS

Building Inspector
MARTY SHAW
CHARLES THUMAN

Code Enforcement Officer
JORDAN BLYTHE



Assistant Director of
Planning and Inspections
CAMERON RAY

Senior Planner
RYAN LANG

Permit Services Administrator
MICHELLE NICHOLS

**THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA**

PLANNING DEPARTMENT

March 09, 2025

Memorandum

To: Debbie Diaz, Town Manager

From: Cameron Ray, Assistant Planning Director 

Subject: Proposed Amendment to Chapter 93– §93.01(J) Certain Conditions Declared Nuisances: Clarify Building Code Compliance

Attached is a proposed amendment to Town Code section 93.01 Certain Conditions Declared Nuisances, (J) Building Code Compliance. Town staff identified that the current regulations do not appropriately address nuisances associated with building code compliance issues. The proposed amendment clarifies that all construction that poses a risk to public safety or safety are considered a nuisance. The following is the requested language;

§ 93.01 CERTAIN CONDITIONS DECLARED NUISANCES.

The existence of any of the following conditions on any parcel of land within the corporate limits of the town is declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance.

(J) Building Code compliance. ~~Exterior stairs, landings, guards, handrails, and decks~~ Any structure or construction including addition, alteration, repair and/or remodel that are not compliant with the North Carolina Building Code effective on the date of their construction or have not been permitted in accordance with North Carolina Building Code, and presenting a risk to public health or safety.

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

**AN ORDINANCE AMENDING THE
KILL DEVIL HILLS CODE OF ORDINANCES,
CHAPTER 93, NUISANCES**

BE IT ORDAINED by the Kill Devil Hills Board of Commissioners that Chapter 93, Nuisances, 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:

CHAPTER 93: NUISANCES

§ 93.01 CERTAIN CONDITIONS DECLARED NUISANCES.

The existence of any of the following conditions on any parcel of land within the corporate limits of the town is declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance.

(A) *Growth of weeds and grass.* The uncontrolled growth of noxious weeds or grass on an improved site to a height in excess of 24 inches causing or threatening to cause a hazard detrimental to the public health or safety.

(B) *Accumulations of animal or vegetable matter.* Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health.

(C) *Accumulations.* Any accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, causing or threatening to cause the accumulation of stagnant water or causing or threatening to cause the inhabitation therein of rats, mice, snakes or vermin of any kind which

is or may be dangerous or prejudicial to the public health.

(D) *Conditions violating Health Department rules.* Any condition detrimental to the public health which violates the rules and regulations of the County Health Department.

(E) *Open storage of certain items.* The open storage of any, all or any combination of the following items, including but not limited to: icebox, refrigerator, stove, glass, building materials, building rubbish or parts thereof, chemical containers, household fixtures or furniture.

(F) *Condemned structures.* Any structure that has been condemned by the Building Inspector as unfit for human occupation in accordance with the State Building Code and as otherwise by law provided.

(G) *Items remaining after fire, flood and the like.* Household contents or portions of a building or structure remaining in an open area upon a lot or parcel of land after damage by fire, wind, water, erosion or any combination thereof.

(H) *Openings.* Window openings that are not glazed or shuttered as required by the North Carolina Building Code and present a risk to public health or safety.

(I) *Security.* Structures that are not adequately secured so as to prevent occupancy by vagrants.

(J) *Building Code compliance.* ~~Exterior stairs, landings, guards, handrails, and decks~~ [Any structure or construction including addition, alteration, repair, and/or remodel](#) that are not compliant with the North Carolina Building Code effective on the date of their construction [or](#)

have not been permitted in accordance with North Carolina Building Code, and presenting a risk to public health or safety.

(K) *Exterior components.* All exterior wall surfaces, trim, shutters, roofing, and exterior appurtenances and features that are not securely affixed to the structure and present a risk to public health or safety.

(L) *Residential lighting.* Any fixture erected, either indoors or outdoors, which because of the design of the light source, orientation or intensity causes glare onto adjacent property or streets. **GLARE** is defined as: light for a particular use or area that is reflected or directed off of an object or site onto adjacent streets or property. The effect produced by brightness sufficient to cause annoyance, discomfort or loss in visual performance and visibility.

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 93, Nuisances, 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 93, NUISANCES, was placed in the Kill Devil Hills Town Code Book on the _____ day of _____, 202__, at _____ .m.

James Michael O'Dell
Town Clerk