



# MEMORANDUM

## Town of Nags Head

### Planning & Development Department

---

To: Board of Commissioners  
From: Michael Zehner, Director of Planning & Development  
Date: June 24, 2020  
Subject: Consideration of Town Code Sec. 26-7 amendment regarding camping (H-3)

---

#### OVERVIEW AND BACKGROUND

In the consideration of expected seasonal enforcement activities, Staff identified an inconsistency in the Town Code with respect to the use of vehicles, specifically trailers and recreational vehicles, for camping. Formerly the Town Code, and now the UDO, prohibit the use of trailers within the Town for sleeping or habitation; however, Section 26-7, *Camping*, of the Town Code, which has been in place since at least 1990, defines *open air camping* as “*any act of living, residing or sleeping at night, in the open air or in an automobile or vehicle which does not meet the requirements of a mobile home, as defined. The term “camping in the open air” includes, but is not limited to, sleeping out of doors in a tent, sleeping bag, blanket or hammock, or without any paraphernalia other than the clothes worn on the body,” and provides that “No person shall engage in the act of open air camping within the town; except, that an owner or lessee of improved real property and his immediate family and any person in the company of a member of the immediate family may camp upon the property; provided, however, that sanitary facilities including a bathroom with running potable water is available on such property for the use of all persons engaged in open air camping as permitted by this exception. The total number of persons authorized shall not exceed five.”*

Based upon the inconsistency, Staff has prepared a draft amendment to Section 26-7 of the Town Code which is understood to address the issue based upon past practice. The draft proposes to remove the reference to the use of automobiles or vehicles from the definition of *open air camping*, and also specifically preclude the use of vehicles for camping under the circumstances where camping is allowed.

#### STAFF RECOMMENDATION

Staff recognizes that this amendment may require further consideration and input from the Board; while Staff believes that it addresses the identified inconsistency and the Board could adopt the amendment, further feedback and direction would be welcome.

#### Attachments:

1. Draft Text Amendment, dated June 24, 2020