



**Robert C. Edwards**  
Mayor

**Susie Walters**  
Mayor Pro Tem

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**M. Renée Cahoon**  
Commissioner

**John Ratzenberger**  
Commissioner

**Marvin Demers**  
Commissioner

**THE TOWN OF NAGS HEAD  
RESOLUTION REQUESTING STATE LEGISLATION ALLOWING FOR  
THE REGULATION OF STRUCTURES WHICH UNREASONABLY RESTRICT THE PUBLIC'S RIGHTS  
TO USE OF THE STATE'S OCEAN BEACHES**

**WHEREAS**, the North Carolina General Assembly adopted legislation in 2013 (S.L. 2013-384, § 4(a), eff. Aug. 23, 2013) clarifying municipal authority to adopt and enforce regulations on the State's ocean beaches which was codified as N.C.G.S. § 160A-205; AND

**WHEREAS**, N.C.G.S. § 160A-205 limits municipal authority to adopt and enforce regulations resulting in the removal of permanent residential or commercial structures and appurtenances thereto from the State's ocean beaches due to their location on the ocean beaches; AND

**WHEREAS**, the Town finds that the location of buildings and other structures on the ocean beaches seaward of a protective dune line: (i) unreasonably restricts the public's use and enjoyment of the ocean beaches; (ii) makes the structures highly susceptible to storm and erosion damage which often results in dangerous debris and sewage being distributed upon the beach and within the Atlantic Ocean waters and results in undermining and weakening the structures themselves; (iii) increases the danger of further severe damage and eventual failure due the structure's proximity to the Atlantic Ocean; (iv) creates a danger to the users of the structures, the public and the property of others due to the structures continual and repeated loss of material and damage; (v) restricts the travel of emergency vehicles and lifesaving services; (vi) reduces the value of land and structures in their vicinity; and (vii) causes a repeated and continual unsightly situation which harms the local tourist economy and casts unfavorable light upon the Town and the State; AND

**WHEREAS**, the Town finds that the inability to remove structures from the State's ocean beaches leaves the Town with little recourse other than having abandoned, deteriorated, destroyed or continually and repeatedly damaged structures on the ocean beaches; all of which create significant threats to public safety, health and welfare; AND

**WHEREAS**, the Town finds that it is in the interest of the public's health, safety, morals and general welfare that the Town have the authority to regulate and remove structures from the State's ocean beaches due to their dangerous and unreasonable interfere with the public's rights to use those beaches.

**NOW, THEREFORE BE IT RESOLVED**, the Board of Commissioners of the Town of Nags Head hereby respectfully requests that the North Carolina General Assembly consider and pass the attached proposed act to amend N.C.G.S. § 160A-205 entitled as follows:

"AN ACT ALLOWING FOR THE REGULATION OF STRUCTURES WHICH UNREASONABLY RESTRICT THE PUBLIC'S RIGHTS TO USE OF THE STATE'S OCEAN BEACHES"

**Adopted this the 7<sup>th</sup> day of January 2015.**

Robert C. Edwards, Mayor  
Town of Nags Head

ATTEST:

  
Carolyn F. Morris, Town Clerk