



**DRAFT RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE TOWN OF NAGS HEAD, NORTH CAROLINA
SUPPORTING LEGISLATION PROHIBITING ABANDONED
OR UNATTENDED HOLES ON THE OCEAN BEACH**

WHEREAS, Coastal communities, including communities on the Outer Banks, have seen an increase in the number and size of holes being dug on the beach by recreational beach users; AND

WHEREAS, These large holes on the beach can cause damage to vehicles and equipment, they can collapse, trapping humans and marine life and in some cases result in serious injury and death; AND

WHEREAS, on August 3, 2022, the Town of Nags Head unanimously adopted a resolution expressing its support of state legislation which would increase its capacity to address the incredibly dangerous issue of holes on the beach; AND

WHEREAS, The Town of Nags Head reached out to coastal communities and found interest in pursuing legislation that would prohibit abandoned or unattended holes dug on the ocean beach; AND

WHEREAS, In addition to Nags Head, the Towns of Kill Devil Hills, Kitty Hawk, Southern Shores, and Duck adopted similar resolutions supporting the Town on this issue, as did Currituck County, the Town of Atlantic Beach, the Town of Oak Island, and the City of Surf City.

NOW, THEREFORE, BE IT RESOLVED By the Board of Commissioners of the Town of Nags Head, North Carolina to ask the state legislature to enact a law creating a significant criminal penalty for leaving hazardous beach holes.

BE IT FURTHER RESOLVED that the following verbiage be forwarded to State legislators for submitting to the next General Assembly session for consideration:

- (a) It shall be unlawful for a person to drill, dig, or otherwise create or cause to be drilled, dug, or otherwise created a hole, trench or depression on the "ocean beach" as that term is described in N.C.G.S. 77-20(e) that is at any point at least 18 inches deep or 24 inches wide if such person then abandons the hole, trench or depression or leaves it unattended without first completely filling in the hole, trench or depression from its total depth to the surface.
- (b) A person commits a criminal offense by violating this section. An offense under this subsection is a Class 2 misdemeanor for the first offense, but a second or subsequent similar offense shall constitute a Class 1 misdemeanor.

Adopted this 1st day of February 2023.

Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk