

**AN ORDINANCE AMENDING THE KITTY HAWK TOWN CODE**

WHEREAS, the Town Council recognizes that the regulations regarding outdoor events and sales is in need of revisions to reflect today's business environment; and

WHEREAS, the practice of the town when issuing outdoor event permits must be consistent with the language in the ordinance; and

WHEREAS, the proposed amendments ease some regulations on outdoor events, while also regulating the number of events on any given property.

BE IT ORDAINED by the Town Council of Kitty Hawk that Sections 16-1 and 18-11 of the Kitty Hawk Town Code be amended as follows:

**Sec. 16-1. Selling goods on public property.**

- (a) ~~It shall be unlawful for any person to expose for sale, offer to sell, barter or exchange, or sell, barter or exchange any goods, wares, or merchandise within the street and highway rights of way of the town, or on the ocean beaches of the town, or on parking lots (and other areas open to the public) which are contiguous to the state highway and town street rights of way.~~ Business activities of itinerant merchants, salesmen, promoters, drummers, peddlers, flea market operators and flea market vendors or hawkers are prohibited within the boundaries of the Town, except as authorized by Sec. 18-11 and 42-502.

**Sec. 18-11. Outdoor events ~~and gatherings.~~**

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Applicant* means any person, group or organization that sponsors, organizes or arranges an outdoor event ~~or gathering.~~

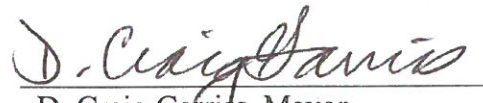
*Outdoor event ~~or outdoor gathering~~* means any event or gathering that occurs outdoors and that:

- (1) Represents a use or uses of land, buildings and structures not intended to be of a permanent duration.
  - (2) Is intended to or likely to attract substantial crowds, participants and/or spectators,
  - (3) Is advertised and/or open to the general public,
  - (4) Is held to promote or is sponsored by a commercial business; and
  - ~~(5) Is unlike the customary or usual activities generally associated with the principal use of the property where the outdoor event or gathering is to be located.~~
- (b) *Permit requirements.* No outdoor event ~~or gathering~~ shall be held, commenced or advertised until such time as a permit is applied for and issued in accordance with this section. A permit issued under this section shall be valid for a period of ~~seven~~ two consecutive days. All outdoor events ~~and gatherings~~ shall be contained either

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within the applicant's property or within property upon which the applicant has written permission from the owner to use. If live music or electric sound amplification is being proposed in conjunction with the outdoor event ~~or gathering~~, the applicant must comply with section 18-2. **Outdoor event permits are limited to six permits per parcel in a twelve-month period.**

This ordinance amending the Kitty Hawk Town Code shall take effect on the 3rd day of October, 2022. Passed and adopted at a regular meeting held by the Town Council of Kitty Hawk the 3rd day of October, 2022, with a unanimous approval vote. (5-0)

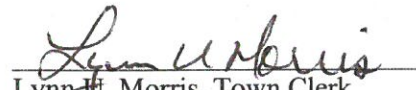
  
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D. Craig Garriss, Mayor

\_\_\_\_\_  
Lynn U. Morris, Town Clerk

APPROVED AS TO FORM:

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Casey Varnell, Town Attorney

The undersigned certifies that the foregoing official ordinance designated ORDINANCE AMENDMENT OF THE TOWN CODE OF KITTY HAWK, NORTH CAROLINA was filed in the Kitty Hawk Ordinance Book on the 4<sup>th</sup> day of October, 2022, at 2 o'clock p.m.

  
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Lynn U. Morris, Town Clerk