



TOWN OF KILL DEVIL HILLS
Land Where Flight Began

**Emergency Order for
Food Service Temporary Waivers**

**EMERGENCY ORDER #4D
Town of Kill Devil Hills, NC
04.05.2022**

WHEREAS, Chapter 166A of the North Carolina Emergency Management Act, authorizes local governments to take action in prevention of, preparation for, response to, and recovery from natural or man-made disasters and to reduce the vulnerability of people and property to damage, injury, and loss of life and property of the North Carolina General Statutes; and

WHEREAS, in accordance with Chapter 33 Emergency Management, Section 33.01 State of Emergency; Restrictions Authorized, a State of Emergency was declared to exist in Kill Devil Hills on March 16, 2020, at 12:00 noon; nearly simultaneously, the President and Governor enacted States of Emergency at the Federal and State levels, respectively; and,

WHEREAS, North Carolina State Law and the Town Code during a State of Emergency authorize the Mayor to effect restrictions on the operation and use of business establishments that are frequented by visitors to protect the health and well-being of our citizens, property owners, and members of our business community; and

WHEREAS, due to the nature of the cause of the current State of Emergency, COVID-19, actions necessary to protect the public health have had damaging effects on the economic well-being of the United States, State of North Carolina, and to the citizens of the Town of Kill Devil Hills; and

WHEREAS, due to the direct and indirect effects of COVID-19 and related subvariants, our local seasonal economy has experienced significant challenges based on limited capacity requirements; and

WHEREAS, fortunately, using innovative methods, and often at reduced capacity, some retailers and professional-type offices have been able to continue operations to meet the needs of their customers and clients safely and efficiently; and

WHEREAS, there remain specific areas of our business community that warrant continued support and assistance which can be provided by the Town of Kill Devil Hills; and

WHEREAS, members of the food service industry, including but not necessarily limited to restaurants defined as establishments that serve seated patrons, desire to maintain social-distancing guidelines regardless of the State of North Carolina relaxing some of the previous capacity restrictions for the continued protection of the public health; and,

WHEREAS, for restaurants, social-distancing guidelines will mean a reduction in serving capacity, in addition to some patrons with pre-existing health conditions whose health warrants continued social-distancing exceeding current social-distancing guidelines for protection and comfort; and,

WHEREAS, due to operational requirements related to Federal, State and Local health regulations, restaurants and other food-service businesses still need to fully function at reduced capacity and be able to operate at or near their full potential while protecting the public health; and,

WHEREAS, this situation requires unprecedented action by the Town of Kill Devil Hills to enact a continuation of previously issued temporary waivers that will allow for sustainable, yet safe, operation of local businesses; and

WHEREAS, on May 14, 2021, I, Mayor Ben Sproul, hereby directed the Town Manager to review the Town Code to identify which Sections may be temporarily suspended to allow:

1. Temporary outdoor service of restaurant patrons only if such action includes indoor capacity restrictions so the total number of seats is equal to that approved for the location by the Dare County Health Department; and,
2. Discontinuation of this order will be re-evaluated periodically but not before September 30, 2021; and,
3. To append this order with the previously utilized and relevant sections of the North Carolina General Statutes and Town Code, to accomplish the terms of this Emergency Order #4, acceptance of which shall be verified for implementation by date, my signature, and the Town Seal.

and;


WHEREAS, Emergency Order #4 was enacted and put into effect on May 14, 2021, and has been extended on September 30, 2021, November 29, 2021, January 31, 2022, and February 1, 2022;

NOW, THEREFORE, Today is Tuesday, April 5, 2022, and I, Mayor Ben Sproul, do hereby enter and enact Emergency Order #4D entitled "Extension of Emergency Order for Food Service Temporary Waivers," which is effective immediately and shall remain in effect until rescinded. An order rescinding the Declaration of the State of Emergency will automatically rescind this Emergency Order.

This 5th day of April 2022.


SEAL





Ben Sproul
Mayor
Town of Kill Devil Hills

ATTEST:



James Michael O'Dell
Town Clerk

**Town of Kill Devil Hills
Guidelines for Food Service Temporary Waivers**

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Appendix I. Plan**

Generally.

- All outdoor dining areas must be in compliance with the requirements of the Dare County Environmental Health Department.
- No outdoor dining, shall be located within a public right of way, required landscaping area, drive aisle/fire lane. Each service area should be separated by a barrier if a parking area is utilized.
- All areas must be kept clean of litter and maintained in a safe and sanitary condition. Trash receptacles shall be provided on-site.
- Peddling is not allowed.
- Not more than 25% of required parking may be used for outdoor dining.
- All State and Local orders regarding social distancing and crowd-gathering must be followed.

Outdoor Dining.

- Limited to existing restaurant establishments.
- Outdoor seating cannot be an expansion such that the result is a net increase in overall seating.

**Town of Kill Devil Hills
Application for Food Service Temporary Waivers**

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04.05.2022
Appendix I. Plan**

Outdoor Dining Area

Applicant

Name: _____

Business Name: _____

Address: _____

Phone Number: _____

Proposed Business Location: _____

Days/Hours of Operation: _____

Property Owner(s) (if different than above)

Name: _____

Address: _____

Phone Number: _____

Required Information

- Dare County Environmental Health Department approval/requirements
 - Shall not be located over any active septic system or any septic tanks
 - Number of seats proposed inside the structure and outside the structure (Health Department seating capacity)
- Property owner written authorization
- Sketch plan for outdoor dining areas including location, dimensions, and safety barriers as necessary

Peddling is not allowed.