



TOWN OF KILL DEVIL HILLS
Land Where Flight Began

MEMORANDUM

July 14, 2025

TO: Mayor and Board of Commissioners

FROM: Debora P. Díaz, Town Manager

REF: New Business

2. Code Amendment Request – Chapter 111, Special Events – Charitable Events, §111.03 Prohibited Activities and §111.04 Exempt Activities: Exemption to Allow Internet Companies to Peddle / Peddling (Attached NB-2)

Ripple Fiber has submitted a proposed amendment to Chapter 111, Special Events – Charitable Events, specifically to §111.03 Prohibited Activities and §111.04 Exempt Activities to allow internet companies' employees to peddle their services and products in the Town of Kill Devil Hills.

The Planning Department's meeting memorandum details the request that would exempt internet companies from the Town's existing prohibition on peddlers / peddling. Staff does not recommend approval, noting multiple concerns, which are detailed in the Planning memorandum.

A motion would be in order to approve, deny, or table this proposed amendment request for further consideration.

Director of
Planning and Inspections
MEREDITH GUNS

Building Inspector
MARTY SHAW
CHARLES THUMAN

Code Enforcement Officer
JORDAN BLYTHE



Assistant Director of
Planning and Inspections
CAMERON RAY

Senior Planner
RYAN LANG

Permit Services Administrator
MICHELLE NICHOLS

THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

PLANNING DEPARTMENT

July 14, 2025

Memorandum

To: Debbie Diaz, Town Manager

From: Cameron Ray, Assistant Planning Director 

Subject: Code Amendment Request – 111.03 & 111.04: Allow Internet Companies to Peddle/Peddling

Attached is a Code Amendment application submitted by Ripple Fiber to amend Chapter 111 Special Events sections 111.03 Prohibited Activities and 111.04 Exempt Activities. This amendment request is to allow internet companies to peddle/peddling of sales advertisements/promotion by being exempt from the Town's current regulations, which strictly prohibits all peddlers/peddling. Below are the definitions of Peddler and Peddling from the Town Code;

PEDDLER. Any person selling, offering for sale, or soliciting orders for goods, food or services or distributing, disseminating, or gathering information by written or spoken word upon the streets, sidewalks, multi-use paths, town-owned property, town-owned parking areas, public beaches or alleys of the city, or by going from place to place whether by foot or by other means of transportation.

PEDDLING. The sale, offering for sale, or distribution of any articles of merchandise or advertisement from house to house, person to person or upon personal property by any person or persons from a cart, truck, automobile, by foot or by other device operated over and upon the streets and highways, sidewalks, multi-use paths, town-owned property, town-owned parking areas, public beaches, or alleys of the town.

As requested, Internet companies would be allowed to act as a peddler/peddling within Town as defined above. Staff has reviewed this request and do not recommend approval due to several concerns;

Kill Devil Hills strictly regulates peddling in order to protect citizens and visitors from unwarranted solicitation through the authority provided in NCGS 160A-178. These regulations provide necessary rules to protect people's privacy and welfare within Town. The request is inconsistent with adopted Land Use Plan's Land use compatibility management goal to ensure that through regulations of the use of land is protected by avoiding risk to public health, safety, and welfare. Policy P.12: "The Town supports

enhancement of its family beach atmosphere". These adopted strategies and policy do not support the change to allow for peddlers.

The strict prohibition of peddling within Town creates a fair business regulation for all businesses in Town, whereas the request instead would give only internet companies the ability to peddle which would not provide equal opportunity to the business community. Allowing only one business type to peddle would be arbitrary and could open the door to peddling of other businesses. Additionally, allowing a business to peddle will increase volume of need for Police for the influx of calls from citizens concerned with trespassing and potential for imposters/scammers.

The Town defines peddling/peddlers to occur in; "streets and highways, sidewalks, multi-use paths, town-owned property, town-owned parking areas, public beaches, or alleys of the town". The vast public areas within Town create a large area that would be opened up to peddling, not just door to door. The ability for peddling to occur on the public beaches, parks, and pedestrian ways will drastically change the family beach atmosphere.

The applicant provided justification for the proposed amendment including alignment with public services objective, enhancing consumer choice and access, marketing efficiency and cost-effectiveness, and encouraging broadband adoption. Additionally, the applicant provides information stating that the request promotes public health, safety, and general welfare by stating public health benefits (telehealth access/health education and awareness), public safety enhancements (emergency communication/security systems), general welfare improvements (education/youth development, economic stability, social inclusion), and addressing the digital divide. Staff has reviewed the justification and does not find that there is any clear evidence or information to support the justification and it does not alleviate staff's concerns. Generally, all of the information provided by the applicant can be accomplished by the applicant without the ability to peddle, as does all other businesses operating within Town.

This type of peddling is purely enterprise or for-profit peddling. Staff recommends denial of the request to amend 111.03 & 111.04 to allow internet companies to peddle their products in Kill Devil Hills.

Requested Amendment:

TITLE XI: BUSINESS REGULATIONS

CHAPTER 111: SPECIAL EVENTS – CHARITABLE EVENTS

§ 111.03 PROHIBITED ACTIVITIES.

The following activities, as defined in § [111.01](#), shall be prohibited:

- (A) Itinerant vendors, except as part of an approved special event;
- (B) Peddlers and/or the act of peddling; except 111.04 exempt activities;
- (C) Non-charitable special events unless approved by the Board of Commissioners.

(Ord. 03-14, passed 7-14-03; Am. Ord. 05-03, passed 3-17-05; Am. Ord. 12-03, passed 3-12-12; Am. Ord. 17-5, passed 7-10-19)

§ 111.04 EXEMPT ACTIVITIES.

The following itinerant vendors, groups, and special events may be permitted:

- (A) Residential yard sales, provided that no residence shall conduct such sales on more than four separate days during any calendar year;
- (B) Commercial yard sales for outdoor sales of commercial products at an approved commercial establishment meeting the following criteria:
 - (1) No more than four events per 12-month period;
 - (2) Ten percent of required parking can be used for merchandise sales;
 - (3) No longer than five consecutive days;
 - (4) Not within any state or local right-of-way or easement;
 - (5) Signage as allowed in § [111.05\(H\)\(1\)](#);
 - (6) Approval of commercial yard sale application by the Planning and Inspection Department.
- (C) Town-sponsored events and any events located on county property within the Government and Institutional - Public Zoning District.
- (D) Internet companies' W2 employees shall be allowed to provide sales advertisements or promotions.



Kill Devil Hills

North Carolina

CODE AMENDMENT APPLICATION

Planning and Inspections Department

(252) 449 – 5318

102 Town Hall Drive

Kill Devil Hills, NC 27948

FEE: \$500.00

The purpose of this application is to *request* a code amendment, or a permanent alteration, to the Kill Devil Hills Town Code.

Required attachments/submittals for an application for a code amendment:

- 1.) A completed application
- 2.) One copy of the code in question (existing Kill Devil Hills Town Code)
- 3.) One copy of your proposed code amendment, with the proposed changes highlighted
- 4.) Application Fee, *which is nonrefundable*

*****Important:** If any of the above requirements are not present at the time of submittal, the application will be deemed incomplete and will not be accepted.***

Certification:

I (we) hereby acknowledge and say that the information contained herein and herewith is true and that this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the Town of Kill Devil Hills Planning and Inspections Department.

Petitioner's Name (Please Print): Ripple Fiber

Petitioner's Signature: Angela M. Pearson Date: 5/30/2025

For Staff Use Only:

Fee Received by: Ryan Long

Date: 5/30/25



Town of Kill Devil Hills
North Carolina

Application for a Code Amendment

(Please Type or Print)

Petitioner

Name:

Ripple Fiber

Address:

1245 Duck Rd

Duck, NC 27949

Telephone Number:

252.999.3978

Email:

angie@ripplefiber.com

Agent for Petitioner (If Applicable)

Name:

Michael Midgette

Address:

608 W. Holly Street

Kill Devil Hills, NC 27948

Telephone Number:

252.305.6237

Email:

michael.midgette@ripplefiber.com

I hereby request an amendment to the following specific section of the Town Code:

Chapter: Chapter 111 **Code:** 111.03 & 111.04

Title: 111.03 Prohibited Activities & 111.04 Exempt Activities

To this application, attach:

- One copy of the code in question (existing Kill Devil Hills Town Code)
- One copy of your proposed code amendment, with the proposed changes highlighted



Town of Kill Devil Hills
North Carolina

Application for a Code Amendment

1. Please provide a **detailed** justification for the proposed amendment (*attach additional pages as needed*):

see attached.

2. How does this proposed amendment help to promote the public health, safety, and general welfare? (*attach additional pages as needed*)

see attached.

1. Please provide a detailed justification for the proposed amendment:

Allowing an internet company to go door-to-door selling its services can be justified on several practical, economic, and social grounds. Here is a detailed breakdown of the justification:

1. Alignment with Public Service Objectives

- **Internet as a utility:** In the modern era, internet access is as essential as water or electricity. Promoting its availability through proactive outreach aligns with broader public policy goals to ensure universal access.
- **Preparedness and resilience:** By increasing broadband adoption, communities become better equipped for remote work, online education, telehealth, and emergency communications.

2. Enhancing Consumer Choice and Access

- **Informed decision-making:** Door-to-door representatives can provide personalized explanations, answer specific customer questions, and help demystify complex plans or technical offerings, which many consumers may struggle to understand on their own.
- **Reaching underserved populations:** Not all households have reliable access to digital platforms for comparing internet providers. Door-to-door sales can bridge this gap, particularly for elderly residents, low-income communities, or individuals with limited digital literacy.
- **Leveling the playing field:** In areas dominated by one or two internet service providers (ISPs), allowing smaller or new entrants to market directly to customers helps increase competition, which can lead to lower prices, better service, and innovation.
- **Reducing monopolistic practices:** Face-to-face engagement allows companies to differentiate themselves beyond price, such as emphasizing better customer support or no-contract options.

3. Economic and Employment Benefits

- **Job creation:** Door-to-door sales campaigns generate local employment opportunities, particularly for entry-level workers and those seeking flexible schedules.
- **Local economic stimulation:** More competition can lead to infrastructure investments, which benefit local economies through job creation and better service availability.

4. Marketing Efficiency and Cost-Effectiveness

- **High conversion rates:** Door-to-door sales can be more effective than mass advertising, particularly for services that require explanation. Face-to-face interactions often yield higher sign-up rates compared to online or telemarketing efforts.
- **Targeted outreach:** Companies can focus efforts on neighborhoods that are known to have poor service from existing providers or are newly wired for service, maximizing return on marketing investment.

5. Encouraging Broadband Adoption

- **Closing the digital divide:** Direct marketing efforts help identify and connect households that may not be aware of available services, especially when paired with government-subsidized internet programs for low-income families.
- **Educational opportunities:** Representatives can inform residents about digital literacy resources, equipment options, or low-income broadband subsidies like the Affordable Connectivity Program (ACP), encouraging higher adoption.

Conclusion

While door-to-door sales may sound like a negative, allowing internet companies to engage in this practice supports broader goals of consumer empowerment, competition, digital inclusion, and economic growth. When done responsibly, it becomes a valuable channel for outreach and service expansion in both urban and rural communities.

2. How does this proposed amendment help to promote public health safety and general welfare:

Allowing an internet company to go door-to-door selling services can positively impact **public health, safety, and general welfare** by expanding access to essential digital infrastructure. Here's a detailed explanation of how:

1. Public Health Benefits

a. Telehealth Access

- **Increased internet access enables telemedicine**, allowing residents—especially those in rural or underserved areas—to consult with healthcare providers without traveling.
- Individuals with mobility issues, chronic conditions, or transportation barriers can receive routine checkups, mental health support, and prescription consultations from home.
- During public health crises (like pandemics), telehealth reduces exposure risk by limiting the need for in-person visits.

b. Health Education and Awareness

- Households with internet access can stay informed about public health advisories, vaccination schedules, disease prevention, and emergency guidelines.

2. Public Safety Enhancements

a. Emergency Communication

- Reliable internet enables faster dissemination of emergency alerts, weather warnings, evacuation notices, and public safety instructions.
- In crises (natural disasters, fires, etc.), internet connectivity helps residents contact emergency services, coordinate evacuations, and communicate with family.

b. Security Systems

- Many modern home security systems (cameras, alarms, monitoring) require stable internet. Expanding internet access enhances residents' ability to protect their homes and neighborhoods.

3. General Welfare Improvements

a. Education and Youth Development

- Students need reliable internet for online learning, research, submitting assignments, and participating in hybrid classrooms. Door-to-door outreach helps families learn about services they might not know are available or affordable.
- This supports long-term educational success, especially in low-income or remote areas.

b. Economic Stability

- Internet access enables job searching, remote work, online banking, and small business growth. By marketing directly to households, companies help empower individuals to improve their financial independence.
- Households can connect with employment resources, financial assistance, and training programs that contribute to economic resilience.

c. Social Inclusion

- Vulnerable populations (elderly, disabled, non-native speakers) often benefit from direct service access and guidance. In-person outreach helps these groups access communication tools like video calling, social media, and community forums—reducing isolation and promoting mental well-being.

4. Addressing the Digital Divide

- Door-to-door outreach helps identify gaps in digital connectivity, especially in marginalized or overlooked areas. This proactive approach supports local and federal efforts to bridge the digital divide.
- Companies can enroll eligible families in subsidized plans (e.g., the Affordable Connectivity Program), directly supporting equitable access to critical services.

Conclusion

By allowing internet companies to go door-to-door, municipalities help extend stable broadband access to more people—especially those who are digitally disconnected. This fosters **health equity, public safety, educational opportunity, and economic mobility**, all of which contribute to the **health, safety, and general welfare** of the community. With proper safeguards, this strategy can be an effective tool for achieving broader public policy and social equity goals.



Town of Kill Devil Hills Planning and Inspections
252-449-5318

NON-REFUNDABLE FEES

Date: 5/30/25

- | | |
|--|---|
| <input type="checkbox"/> Board of Adjustments | <input type="checkbox"/> Exempt plat/Subdivision |
| <input type="checkbox"/> CAMA | <input type="checkbox"/> Fines and/or Re-Inspection Fee |
| <input type="checkbox"/> Copies | <input type="checkbox"/> Site Plan Review |
| <input checked="" type="checkbox"/> Text Amendment | <input type="checkbox"/> Permit Re-instatement |
| <input type="checkbox"/> Other: _____ | |

Amount: 500.00

Received From: Ripple Fiber

Description: Text amendment 111.03 prohibited activities and 111.04 exempt activities

Received by: Ryan Lang

[Handwritten signature]

MAY 30 2025

TOWN OF
KILL DEVIL HILLS

**AN ORDINANCE AMENDING THE KILL DEVIL HILLS TOWN CODE,
CHAPTER 111, SPECIAL EVENTS – CHARITABLE EVENTS**

BE IT ORDAINED by the Board of Commissioners of the Town of Kill Devil Hills, North Carolina, that Chapter 111, Special Events - Charitable Events, of the Kill Devil Hills Code of Ordinances, shall be amended by adding the underlined language and deleting the following ~~stricken~~ language to the sections identified below, as follows:

CHAPTER 111, SPECIAL EVENTS – CHARITABLE EVENTS

§ 111.03 PROHIBITED ACTIVITIES.

The following activities, as defined in § 111.01, shall be prohibited:

- (A) Itinerant vendors, except as part of an approved special event;
- (B) Peddlers and/or the act of peddling, except 111.04 Exempt Activities;
- (C) Non-charitable special events unless approved by the Board of Commissioners.

§ 111.04 EXEMPT ACTIVITIES.

The following itinerant vendors, groups, and special events may be permitted:

(A) Residential yard sales, provided that no residence shall conduct such sales on more than four separate days during any calendar year;

(B) Commercial yard sales for outdoor sales of commercial products at an approved commercial establishment meeting the following criteria:

- (1) No more than four events per 12-month period;

- (2) Ten percent of required parking can be used for merchandise sales;
- (3) No longer than five consecutive days;
- (4) Not within any state or local right-of-way or easement;
- (5) Signage as allowed in § 111.05(H)(1);
- (6) Approval of commercial yard sale application by the Planning and Inspection

Department.

(C) Town-sponsored events and any events located on county property within the Government and Institutional - Public Zoning District.

(D) Internet companies' W2 employees shall be allowed to provide sales advertisements or promotions.

This amendment to Chapter 111, Special Events - Charitable Events, shall be in full force and effect from and after the ____ day of _____, 2025. Adopted and approved by the Board of Commissioners of the Town of Kill Devil Hills at a regular meeting held on the ____ day of _____, 2025, by a vote of ____ in favor and ____ opposed.

SEAL

John Windley
Mayor

ATTEST:

James Michael O'Dell
Town Clerk

APPROVED AS TO FORM:

Casey C. Varnell
Town Attorney

The undersigned hereby certifies that the foregoing official amendment, designated AN ORDINANCE AMENDING THE KILL DEVIL HILLS TOWN CODE, CHAPTER 111, SPECIAL EVENTS – CHARITABLE EVENTS, was placed in the Kill Devil Hills Town Code Book on the _____ day of _____, 2025, at _____ .m.

James Michael O'Dell
Town Clerk