



**AN ORDINANCE AMENDING
CHAPTER 5, BEACH AND SHORE REGULATIONS
OF THE TOWN OF ATLANTIC BEACH CODE OF ORDINANCES**

WHEREAS, in an effort to clarify the times allowed for beach driving for permit holders and law enforcement, staff proposed using actual times instead of reference to sunrise and sunset; and

WHEREAS, many sections were last updated in 1986, making some of the language and procedures antiquated; and

THEREFORE, BE IT HEREBY ORDAINED by the Town of Atlantic Beach Town Council that the Town Code of Ordinances, Chapter 5, Beach and Shore Regulations is amended as follows:

Chapter 5 Beach and Shore Regulations

Article II. Vehicular Traffic

Sec. 5-21. Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Beach and sand dunes area means all land landward of the low water mark of the Atlantic Ocean to include the foreshore beach strand, barrier dune system, single sand dunes, dune ridges, dune systems, and any part thereof, both old and new, including the vegetative cover relating to these dunes. Public streets and highways are expressly excluded in this definition. Further, the areas of the front, side, and rear yards of a residence or business which is not part of a sand dune, dune ridge, or dune system, and which is covered by vegetative cover, grass, landscaping, gravel, rock, asphalt, cement, or similar material, is excluded from this definition.

Licensing agency means the town clerk, police department and any other officer or agency of the town designated by the board of commissioners to issue permits for the town pursuant to this article.

Limited accessways means those areas designated by posted signs whereby legal access to the permitted driving area as hereafter defined may be achieved.

Permitted driving area means the foreshore and area within the town consisting of hardpacked sand and lying between the water of the Atlantic Ocean and a point ten (10) feet seaward from the foot or toe of the dune closest to the waters of the Atlantic Ocean or ten (10) feet from any bulkhead which ever point of ~~demarcation~~ demarcation is closer to the waters of the Atlantic Ocean.

Vehicular traffic means the use, other than upon public highways or private ways devoted to the use of the public, of any vehicle, whether motorized or not, and without regard to weight, number of wheels, or other variances among vehicles. (Ord. of 10-20-86(1), § 1010; Ord. No. 24-01-02, 1-22-2024)

It shall be unlawful for any vehicular traffic to travel upon the beach and sand dunes located within the town between mid-March and October 1 of each and every year. This section shall not apply to vehicles operated by commercial fishermen issued a valid state fishing license while engaged in commercial fishing activities and while being operated exclusively within the permitted driving area. Driving at other times on the beach strand shall be lawful only for vehicles which shall display a duly authorized permit as hereafter provided.

(Ord. of 10-20-86(1), § 1020; Ord. of 7-18-94(2))

Sec. 5-23. Driving on designated areas only.

It shall be unlawful for any vehicular traffic holding and displaying a duly authorized permit issued pursuant to this article to travel on any portion of the beach and sand dune areas other than those areas designated herein as permitted driving areas and the limited accessways as defined in section 5-27.

(Ord. of 10-20-86(1), § 1030)

Sec. 5-24. Requirements for permit issuance; display.

- (a) Upon application, the Town of Atlantic Beach may issue annual permits for vehicles and vehicular traffic to enter the beach and sand dunes area through the limited accessways and to drive in the permitted driving areas if the following requirements are met:
 - (1) An applicant must possess a valid driver's license and must present a valid vehicle registration card and must comply with the safety standards as set forth herein.
 - (2) All vehicles must be equipped with four-wheel drive with the capability of maneuvering in sandy areas. Permits shall not be issued for all-wheel drive vehicles, all-terrain vehicles (ATVs), utility terrain vehicles (UTVs), or any vehicle without proof of valid registration and four-wheel drive.
 - (3) All vehicles must be insured to meet the minimum liability insurance limits provided in G.S. 20-279, as amended.
 - (4) All vehicles must have a valid motor vehicle license plate and a valid registration card on the vehicle at all times.
 - (5) All North Carolina Motor Vehicle laws apply to vehicles operating on the beach strand.
- (b) It shall be unlawful for any vehicular traffic to travel upon the beach and sand dunes within the town without visibly displaying a permit authorizing the use of a vehicle upon the beach and dune areas duly issued by the town as set forth in this section.

(Ord. of 10-20-86(1), § 1040; Ord. No. 23-10-01, 10-23-2023)

Sec. 5-25. Issuance of permit; fee.

- (a) Town staff, as appointed by the town manager, are hereby authorized to issue permits in accordance with this article.
- (b) Each applicant must read and sign a statement that he understands and agrees to abide by this article.
- (c) For each permit issued pursuant to the provisions of this article, the applicant shall pay an annual fee. The amount of such permit fee shall be set from time to time and a schedule of such fee is on file in the town clerk's office.

(Ord. of 10-20-86(1), § 1050; Ord. No. 14-11-04, 11-24-2014)

Sec. 5-26. Revocation of permit.

- (a) ~~The Town staff appointed by the town manager~~ town shall have the right to revoke a permit issued to an applicant for the permitted uses as specified in this article for one (1) or more violations of this article. ~~Members of the police department, the chief and assistant building inspector, town maintenance department supervisor, and such other town officials as designated by the board of commissioners shall have the authority to revoke any permit issued to an applicant pursuant to the terms of this article for one (1) or more violations hereof.~~ Upon revocation of the permit the ~~license~~ permit shall be removed from the vehicle, if possible, and all rights and authority of the vehicle and its operator to be either within the limited accessways or permitted driving areas herein shall immediately cease. If the officer or official revoking the permit is not able to seize or secure the permit ~~or license~~, notice of the revocation shall be either posted on the vehicle or given to the operator or owner of the vehicle.
- (b) Any person who has his permit revoked for one (1) or more alleged violations of this article shall have the right to appeal to the town board for a hearing. Notice of the hearing must be given in writing within ten (10) days from notice of revocation. The hearing concerning the revocation of the permit thereafter shall be held by the ~~board of commissioners~~ town council at its next regular scheduled monthly meeting or as soon thereafter as the same may be scheduled. Pending the hearing the permit holder shall have no right to operate the vehicle within the limited or permitted driving areas as defined herein. At the hearing, the burden shall be upon the permit holder to satisfy the ~~board of commissioners~~ town council by the greater weight of the evidence that the permit holder was not in violation of one (1) or more of the terms of this article.

(Ord. of 10-20-86(1), § 1060)

Sec. 5-27. Signs to be posted.

- (a) Upon the effective date of this article, the town shall cause signs to be posted indicating the location of the limited accessways and the permit areas required from the town in order for access by vehicles to be gained to the beach and sand dunes area.

- (b) The mayor, or his designee, shall have the authority to close the beach or sections of the beach to vehicular traffic for a period not to exceed ten (10) days, should conditions become detrimental to the environment, health, safety or welfare of the public. Closing of the beach for longer than ten (10) days will require action by the ~~board of commissioners~~ **town council**.

(Ord. of 10-20-86(1), § 1070)

Sec. 5-28. Speed limit; litter.

- (a) It shall be unlawful for any vehicular traffic to travel on any permitted driving areas and the limited accessways at a speed in excess of twenty (20) miles per hour.
- (b) It shall be unlawful for any person issued a beach access permit or passenger in the vehicle to discard any type of litter or trash on the beach or sand area.

(Ord. of 10-20-86(1), § 1080)

Sec. 5-29. Time limit.

Except for ~~police and emergency vehicles performing law enforcement or emergency services~~, **the exceptions listed in Section 5-31**, it shall be unlawful for any person to drive, park, or have a vehicle on any beach or beach access area ~~between sunset and sunrise~~ **before 5:00 a.m. or after 7:30 p.m.** of any day without specific written authority to do so from the town's police department.

(Ord. of 10-20-86(1), § 1090; Ord. of 10-17-94; Ord. No. 14-11-04, 11-24-2014)

Sec. 5-30. Right-of-way of pedestrians and swimmers.

Pedestrians and swimmers shall be deemed to have the right-of-way over vehicles on the limited driving areas.

(Ord. of 10-20-86(1), § 1100)

Sec. 5-31. Exceptions.

Fire equipment, police vehicles, rescue equipment, town maintenance and inspection department vehicles, and vehicles of an emergency nature shall be excepted from the application of this article. There is further excepted the use of vehicles in emergency situations wherein the protection of property or a person's well-being and health is involved. There is further excepted from the application of this article the use of vehicles in carrying out work or development authorized by a sand ~~dunes~~ **fence** permit issued by the building inspector or other official for the town, so long as the work is within the scope and limitations of the sand ~~dunes~~ **fence** permit.

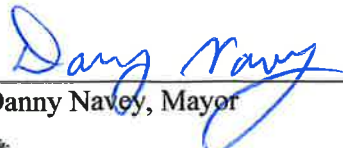
(Ord. of 10-20-86(1), § 1110)

Sec. 5-32. Violation.

A violation of this article shall subject the offender to the penalties in section 1-6.

(Ord. of 10-20-86(1), § 1120)

Adopted this the 29th day of August, 2024.



Danny Navey, Mayor

ATTEST:



Katrina Tyer, Town Clerk

