



Town of Ocean Isle Beach

Resolution No. 2023 - 12
Date Adopted: May 9, 2023

ORDINANCE TO AMEND SECTION 38-35 PLACEMENT OF OBSTRUCTIONS ON BEACH

WHEREAS, the Town of Ocean Isle Beach is a municipal corporation that has adopted a code of ordinances that establishes certain regulations within the Town; and

WHEREAS, there is an intent to serve the general needs of the community by making appropriate revisions to the Town's ordinances; and

WHEREAS, a major goal of this amendment is to promote the health and safety of residents and visitors seeking shelter from heat and ultraviolet radiation on the beach strand; and

WHEREAS, the Board of Commissioners has considered the public's request for sun-shade options that are both functional and easily disassembled in the case of an emergency; and

WHEREAS, the Board has deemed it reasonable to modify the current regulations regarding placement of wind powered sun-shades that meet a specific criteria to allow them anywhere on the beach strand with respect to existing ordinances regarding protection of dune vegetation and sea turtle nests; and

WHEREAS, it is necessary to provide uniformity of enforcement by the Town and simplify compliance requirements for the public; and

WHEREAS, the Board reserves the right to rescind or further amend these changes should the use of wind powered sun-shades on the beach cause unforeseen safety risks or hardship to the community;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF OCEAN ISLE BEACH as follows:

1. That Section 38-35 be modified as follows:

Sec. 38-35. - Placing obstructions on beach.

(1) Except as provided by a specific provision of this Code, all beach equipment must be removed from the beach by its owner or permitted user on a daily basis. All personal items and beach equipment unattended and remaining on the public beach between the hours of 7:00 p.m. through 7:30 a.m. will be classified as abandoned property and will be removed and disposed of by the town.



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(2) So as not to impede or retard the free and unconstrained use and occupancy of the public beach by the public and in order to assist police and fire personnel in responding to emergency calls, absolutely no cabanas, canopies, tents or awnings are allowed on the beach at any time. Umbrellas, wind powered sun-shades and baby pop-up tents are permissible but must be removed as outlined in subsection (1).

(3) A business that rents beach equipment may not place or erect said equipment strictly for advertising purposes only. Such business shall abide by all rules and regulations pertaining to their particular license that has been issued and must adhere to the installation and removal policies as outlined in subsections (1) and (2) of this section.


(4) All beach equipment shall be set at least ten feet from any sea turtle nest or dune vegetation. With regard to a sea turtle nest, no beach equipment shall be placed seaward of the nest.

(5) No beach equipment may be placed within a 25-foot perimeter of an emergency access or any public beach access.

~~(6) Wind powered sun-shades must be placed within 25 feet from the base of the dune line and are not allowed in any area seaward of this point. Wind-powered sun-shades must also comply with subsections (4) and (5) of this section.~~

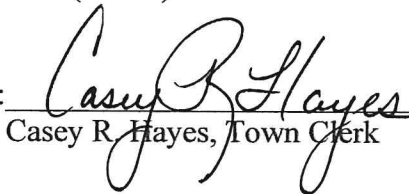
2. That, except as may be modified herein, all other terms and conditions contained in said ordinance shall remain in full force and effect.
3. That this modification shall take place immediately.
4. That the clerk shall place a copy of this ordinance in the Town's ordinance book and shall provide a copy to the codification company when modifications are made in the future.

This the 9th day of May, 2023.


Debbie S. Smith, Mayor

(SEAL)

ATTEST:


Casey R. Hayes, Town Clerk

