

**AN ORDINANCE AMENDING CHAPTER 130 OF THE CODE OF ORDINANCES**

THAT WHEREAS, it is advisable and necessary for the Town to protect its residents and visitors to its beach; and

WHEREAS, unattended beach equipment and dangerous holes create public safety concerns and interfere with the ability of emergency service providers and public works employees to provide essential services and also interfere with sea turtle nesting;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Sunset Beach that the following Section of the Code of Ordinances is hereby adopted and enacted:

**130.09 SHADING DEVICES ON BEACH STRAND; HOLES ON BEACH STRAND**

(A) For the purposes of this section, the following definitions shall apply:

“Beach strand” shall be defined as all land between the low watermark of the Atlantic Ocean and the first line of stable vegetation as defined in the regulations of the North Carolina Coastal Resources Commission.

“Beach equipment” shall mean any items that are manufactured or designed for use, or actually used, on the beach strand. Examples include chairs, lounges, umbrellas, pavilions, cabanas, tents, canopies, awnings, volleyball nets, sporting equipment and other large items typically used on the beach strand.

“Shading devices” shall be defined as tents, umbrellas, pavilions, cabanas, canopies and similar structures designed or used to provide shade.

(B) (1) No shading devices may be set up on the beach strand before \_\_\_ a.m. and shading devices must be removed by \_\_\_ p.m.

(2) Any beach equipment, including shading devices, left on the beach strand after \_\_\_ p.m. may be collected by the Town and stored for up to \_\_\_ days. Owners can reclaim their shading devices and beach equipment during said period upon payment to the Town of a fee in the amount of \$ \_\_\_ to reimburse Town for the costs of collection and storage.

(3) Shading devices, other than umbrellas, must be located landward of the high water mark. All shading devices (beach equipment?) must be located at least \_\_\_ feet from the first line of stable vegetation. In addition, shading devices (beach equipment?) may not at any time be located within \_\_\_ feet of a sea turtle nest.

(4) No shading device may be larger than 12 feet x 12 feet or a total of 144 square feet.

(5) No shading device may be higher than \_\_\_ feet as installed.

(6) Shading devices may not be joined together in any manner, and other than umbrellas, must be placed a minimum of \_\_\_ feet from any other shading device.

(7) Anchoring lines, if used, may not extend beyond the perimeter of the shading device.

(C) Holes dug on the beach strand are required to be attended at all times and filled prior to leaving the beach. No hole, trench or depression on the beach strand shall exceed \_\_\_ inches in depth and \_\_\_\_ in width.

(D) **PENALTY**