



**An Ordinance to Amend Chapter 95 titled Beach Strand, Waterway, Channel and Canal Regulations Subsection 95.07 titled Placement of Tents, Cabanas, Shading Devices, Canopies, Sporting Equipment and similar Items of the Code of Ordinances for the Town of Sunset Beach, North Carolina**

**WHEREAS**, The Town of Sunset Beach has an obligation to the health, safety, and general welfare of the Public and recognizes that the use of cabanas promotes this obligation; and

**WHEREAS**, The Town wishes to reestablish the ability of vendors of these devices to set them up on the beach strand.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of Sunset Beach that Ordinance 95.07 titled Placement of Tents, Cabanas, Shading Devices, Canopies, Sporting Equipment and similar Items is hereby repealed and replaced with the following:

**§ 95.07 – PLACEMENT OF TENTS, CABANAS, SHADING DEVICES, CANOPIES, SPORTING EQUIPMENT AND SIMILAR ITEMS; and PERMITS FOR COMMERCIAL VENDORS AND/OR RENTAL ENTERPRISES OFFERING PLACEMENT AND REMOVAL OF CABANAS.**

The placement of tents, cabanas, shading devices, canopies, sporting equipment or similar items on the Town’s beach strand must abide by the following regulations:

I. No tents, cabanas, shading devices, or canopies (collectively defined herein as, “Cabanas”), sporting equipment or similar items (collectively defined herein as, “Recreational Items”) may be placed within a 30-foot wide path (15-feet on either side of the projected centerline) from the end of any Town emergency access road or public beach access walkway. This path extends to the approximate prevailing water's edge along the centerline projection of these Town accesses.

II. Infant “pop-up” tents and umbrellas are not subject to this Ordinance except in accordance with Section III. d. and e. below. Umbrellas shall consist of only one single center pole (defined herein as, “Umbrellas”).

III.a. Cabanas shall be: (i) erected in a single line parallel to the ocean; (ii) no larger than 12-foot by 12-foot in overall footprint size; and (iii) separated from any other Cabanas or Recreational Items by a minimum of 10-feet. The backs of Cabanas and Recreational Items shall be placed on the approximate line that could be drawn between the two adjacent beach trash can poles at each beach access which have been positioned by the Town to allow for adequate passage at the dune line by the Town’s emergency vehicles. No Cabanas or

Recreational Items of any kind shall be placed within the Town's emergency vehicle passage areas located at the edge of the dune line as described above.

b. All Cabanas and Recreational Items shall be at least 15-feet from any designated sea turtle or bird nest areas.

c. Anchors or tie downs for Cabanas shall be located within the footprint of the Cabanas. Recreational Items, such as, for instance and without limitation, volleyball nets, horseshoe stakes, etc. shall remain in place only when in use or attended.

d. All Cabanas, Umbrellas and Recreational Devices shall be collapsed and secured when the sustained wind speed renders it unsafe for them to remain erected.

e. No Cabanas, Umbrellas or Recreational Items shall be erected on the Town's beaches before 7:00 a.m. local time. All Cabanas, Umbrellas and Recreational Items shall be removed from the Town's beach strand by 7:00 p.m. local time. All unattended Cabanas, Umbrellas or Recreational Items remaining on the Town's beach strand after 7:00 p.m. local time shall be considered abandoned and removed by Town officials and become property of the Town for its disposal in its sole discretion as allowed by law.

f. No Cabanas shall be erected between the areas of the Town's beach strand of 1st Street through 27th Street.

g. Any person using, installing, and/or removing Cabanas, Umbrellas or Recreational Items (as defined in Section I and/or II above) shall be responsible for ensuring compliance with all of the provisions contained herein, including without limitation, this Section III and all subparts, and all other applicable Town Ordinances.

h. Commercial vendors and/or rental enterprises shall only be allowed to erect or remove Cabanas after they have obtained a permit for doing so from the Town. Commercial vendors and/or rental enterprises shall comply with all of Sections I and II above, and this Section III, all subparts included.

IV. The following provisions shall only apply to Commercial vendors and/or rental enterprises in the business of renting and/or selling Cabanas for usage on the Town's beach strand:

1. Permit Required for Cabanas. All Commercial vendors and/or rental enterprises of Cabanas may only erect and remove Cabanas on the Town's beach strand after first obtaining a permit issued by the Town Administrator or his/her designee(s).

a. Permits will be available from the Town Administrator on a first-come, first-served basis beginning on November 1<sup>st</sup> of each year. Only complete applications for permits will be considered by the Town's Administrator. An incomplete application does not reserve the applicant's place in line for a permit. It is the applicant's responsibility to submit fully and properly completed applications. The last day applications will be accepted is December 15<sup>th</sup> each year.

b. The Town's Rules and Regulations applicable to Commercial vendors and/or rental enterprises and applications for a Cabana permit are referenced within the Town's Cabana applications and are subject to change, amendments and modifications as the Town shall determine in its sole discretion. The Town's Rules and Regulations contained within the Town's Cabana applications are fully incorporated herein by reference and shall be completely satisfied by prospective commercial Cabana vendors and/or rental

enterprises for their respective applications to be deemed complete and to be considered by the Town.

c. A successful Cabana permit applicant shall be permitted to erect and remove Cabanas on the Town's beach strand for the period from the date of issuance by the Town at some point between November 1<sup>st</sup>-December 15<sup>th</sup> of the current year, until October 31<sup>st</sup> of the following year ("Permit Period").

d. Successful applicants, in the order in which their applications were received, will be given the opportunity to determine how many Cabana packages they wish to purchase as part of their permit. A permit may only contain up to a maximum of three (3) Cabana packages per permit. Each permit package authorizes the permit holder to install up to 10 cabanas per day of each day during the Permit Period. The Town shall have a total maximum of fifteen (15) Cabana packages available for purchase during each Permit Period, for a total of 150 Cabanas available by permit only to be erected by Cabana Commercial vendors and/or rental enterprises.

e. The Town Council will set the cost of each package in the Town's Fee Schedule each year. The cost of each permit will depend upon the number of packages (up to the maximum of 3 packages) that the permit holder purchases.

2. Identification: Cabanas, Umbrellas, and/or Recreational Items erected on the Town's beach strand by Commercial vendors and/or rental enterprises shall display the contact information of the vendor and the family name of the renter. This information must be in plain view and in an easy to read print.
3. Solicitation: Commercial vendors and/or rental enterprises may not erect cabanas on the Town's beach strand for advertisement of their services, nor shall they be allowed to actively solicit or sell their services from the Town's beach strand or public accesses.

Violation: Any violation of the provisions of this Section shall result in a fine as established in Sunset Beach Code of Ordinances Section 95.99 and may result in a loss of the permit, at the sole discretion of the Town's Administrator, including his/her designees and/or the Town's designated beach patrol officer(s) based upon, among other things, the severity of the violation, repeated violations, or other bases affecting the health, safety or welfare of the public.

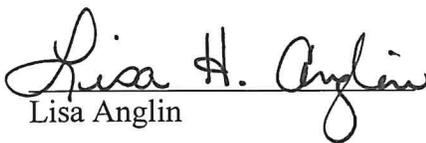
Commercial vendors and/or rental enterprises who have had their permits revoked may only reapply the following season after approval by the Town Administrator.

Adopted this the <sup>2<sup>nd</sup></sup> day of *MARCH*, 2020

**TOWN OF SUNSET BEACH**

  
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David S. Phillips, Mayor

ATTEST:

  
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Lisa Anglin

