



**AN ORDINANCE AMENDING
CHAPTER 95 TITLED
BEACH STRAND, WATERWAY, CHANNEL AND CANAL REGULATIONS
OF THE CODE OF ORDINANCES**

BE IT ORDAINED by the Town Council of Sunset Beach that Chapter 95 titled Beach Strand, Waterway, Channel and Canal Regulations Chapter 95.07 titled PLACING OBSTRUCTIONS ON THE BEACH STRAND is hereby repealed and replaced as follows:

§ 95.07 – PLACEMENT OF TENTS, CABANAS, SHADING DEVICES, CANOPIES, SPORTING EQUIPMENT AND SIMILAR ITEMS.

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

- a.1. No tents, cabanas, shading devices, or canopies (collectively, “Cabanas”), sporting equipment or similar items (collectively, “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 emergency access road or public beach access walkway. This path extends to the water’s edge along the centerline projection of these accesses.
- a.2. Infant “pop-up” tents and umbrellas are not subject to this Ordinance. Umbrellas shall consist of only one single center pole.
- b. Cabanas shall be erected in a single line parallel to the ocean; shall be no larger than 12-foot by 12-foot in overall footprint size; and shall be 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 extending between the two adjacent beach trash can poles which have been positioned by the Town to allow for adequate passage at the dune line by emergency vehicles. No Cabanas or Recreational Items of any kind shall be placed within the Town’s emergency vehicle passage area located at the edge of dune line as described above.
- c. All Cabanas and Recreational Items shall be at least 15-feet from any designated sea turtle or bird nest areas.

d. 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.

e. All Cabanas shall be collapsed and secured when the sustained wind speed renders it unsafe for the Cabanas to remain erected.

f. No Cabanas shall be erected before 7:00 a.m. local time. All Cabanas and Recreational Items shall be removed from the beach strand by 7:00 p.m. local time. All unattended Cabanas or Recreational Items remaining on the 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.

g. No Cabanas shall be erected between 1st Street through 27th Street of the Town.

h. Commercial vendors and/or rental enterprises shall not erect or remove Cabanas for their respective customers. Any persons using a Cabana shall be responsible for erecting and removing the Cabana in conformity with the above provisions of a.1.-g. of this Section and all other applicable Town Ordinances, including without limitation, the following.

1. No person, employee, agent, volunteer, or any other person or entity anyway affiliated with a vendor and/or rental enterprise may erect or remove a Cabana on the Town's beaches. Set up and take-down of any Cabana is the sole responsibility of the person using and/or renting the Cabana. This includes the transport of the Cabana to the Town's beaches.
2. Cabanas subject to this Ordinance shall only be delivered to the renter's and/or customer's place(s) of occupancy. Cabanas shall not be delivered to the Town's beaches (which include without limitation, the Town's pier(s), walkway(s) and/or other public trust areas) by any vendor and/or rental enterprises.

BE IT FURTHER ORDAINED by the Town Council of Sunset Beach that Chapter 95 titled Beach Strand, Waterway, Channel and Canal Regulations Chapter 95.99 is hereby amended to add the following:

Addition to Penalty Chart of § 95.99

Violation of any part of Section § 95.07 shall result in a civil penalty fine of \$250. Each infraction of this section shall constitute a separate violation and result in an additional fine of \$250 for each violation. An infraction shall be defined and/or quantified by the Town as based on the number of Cabanas in violation of the Ordinance. For instance, and without limitation, if Town enforcement personnel observe five (5) Cabanas in violation of this Ordinance, the offender shall be cited for five (5) infractions. If there is only one Cabana observed in violation of this Ordinance, then only one infraction citation will be issued. If there are ten (10) Cabanas observed in violation of this Ordinance, the offender shall be cited for ten (10) infractions.

BE IT FURTHER ORDAINED by the Town Council of Sunset Beach that Chapter 95 titled Beach Strand, Waterway, Channel and Canal Regulations Chapter 95.99 Table is hereby amended as follows:

§95.07 Placing Obstructions on the Beach Strand

~~\$75~~ \$250

Adopted this the 6th day of August, 2018

Town of Sunset Beach

Mark Benton

Mayor Pro-Tem

ATTEST:

Lisa H. Anglin

Lisa H. Anglin, Town Clerk