

Beach Strand Ordinances

§95.02 DRIVING OR RIDING ON SAND DUNES PROHIBITED

No person shall walk, ride an animal or operate a vehicle of any type on, over or upon any sand dune lying within the town limits.

§95.03 VEHICLES ON THE STRAND PROHIBITED

Except for police, fire, rescue, other municipal vehicles and handicapped persons utilizing a motorized wheelchair or similar vehicle (with a permit issued by the Sunset Beach Police Department), it shall be unlawful to place, park or operate any automobile, off-road vehicle, dune buggy, motorcycle, golf cart or other motor-powered vehicle, battery-powered vehicle or electric-powered vehicle on the beach strand within the town limits.

§95.04 LITTERING PROHIBITED

No person shall throw, place or deposit any garbage on the beach strand, in any street, alley, public place or private property or in commercial dumpsters, within the city limits, except in placed garbage cans. Town provided garbage cans on streets or beach strand are for small items only not household garbage.

§95.05 GLASS CONTAINERS PROHIBITED ON BEACH STRAND

It shall be unlawful for any person to have glass containers of any kind on the beach strand.

§95.06 DIGGING HOLES ON THE BEACH STRAND

To help prevent personal injury, damage to personal property and to allow public safety vehicles the ability to respond to emergencies without the risk of damage to equipment or property, holes dug on the beach strand are required to be attended at all times, and filled in prior to leaving the beach but no later than 7:00 pm. No hole, trench or depression on the beach strand shall exceed 18 inches in depth and five (5) feet in width.

§ 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.
 2. Infant "pop-up" tents and umbrellas are not subject to this Section. 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 Section 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.

§95.08 PETS ON THE BEACH STRAND

Pets shall at all times be leashed and under the control of a responsible person. Pets shall at all times be restrained by a leash no longer than ten (10) feet in length. Pets shall not be permitted on the beach strand beginning the Friday before Memorial Day through Labor Day during the hours of 8:00 A.M. and 6:00 P.M.

§95.09 ANIMAL DEFECATION

An owner or person having custody of any animal shall carry in plain view bags and utensils to promptly remove and dispose of all feces left by the pet and shall promptly remove said feces left by said pet from public property and private property not owned by said person.

§95.10 OPEN BURNING ON THE BEACH STRAND PROHIBITED

It shall be unlawful for any person to start, kindle, operate or maintain any open fire including barbecue, charcoal grill, fire pit or fireworks of any type on Beach Strand.

§95.11 NOISE

It shall be unlawful for any person to create or assist in creating any unreasonably loud, disturbing sounds levels on the beach strand, taking into consideration volume, duration, frequency and other characteristics of the sound.

§95.12 LEAPING FROM COMMERCIAL OR MUNICIPAL OWNED FISHING PIER PROHIBITED

It shall be unlawful for any person to jump, dive, leap or in any way propel his or her body from any commercial or Municipal owned fishing pier within the town at any time.

§95.13 PYROTECHNICS

Pursuant to NC General Statute 14-410, it shall be unlawful for any person to be in possession of, use or allow the use of any pyrotechnics including any of the following pyrotechnics on the beach strand or within Town limits:

- (A) Wire sparklers consisting of wire or stick coated with non-explosive pyrotechnic mixture that produces a shower of sparks upon ignition, including those containing 100 grams of mixture per item or less; and/or
- (B) Other sparkling devices which emit showers of sparks and sometimes a whistling or crackling effect when burning, which do not detonate or explode, do not spin, are hand-held or ground-based and which cannot propel themselves through the air, contain not more than 75 grams of chemical compound per tube or not more than a total of 200 grams if multiple tubes are used.

§95.14 LASER POINTERS

It shall be unlawful for any person to focus, point, shine or otherwise direct the beam of a laser pointer or other similar device at another person or any object in such a manner as to harass, annoy or place in fear of bodily

harm the person. It shall also be unlawful for any person to aim a laser pointer into the sky or at any moving or stationary vehicle.

§95.15 RIDDEN ANIMALS PROHIBITED

Animals deemed large enough to be ridden by a person are prohibited on the beach strand. No person shall ride an animal on the beach strand.

§95.16 PUBLIC NUDITY

It shall be unlawful for any post-adolescent female to willfully expose her breasts on any public beach, any public street or in any public park. It shall be unlawful for any person to appear on any public beach, any public street or in any public park in a state of dress or undress so as to expose to the view of others the human male or female pubic area, pubic hair, anus, vulva or buttocks with less than a fully opaque covering.

§95.25 SEA TURTLES

All areas within the town limits above the mean low water mark of the Atlantic Ocean and extending therefrom to the primary dune are hereby declared to be a Sea Turtle Sanctuary. It shall be unlawful within the Sea Turtle Sanctuary for any person to willfully take, disturb or destroy any sea turtle or their nests or eggs. Furthermore, between May 1 and November 1 of each year, there shall not be allowed after dark any use of the Sea Turtle Sanctuary other than pedestrian traffic, except town authorized vehicles, emergency vehicles and commercial fishing activities as specifically allowed by law.

95.26 BIRDS, WATER BIRDS AND OTHER WILDLIFE

It shall be unlawful for any person on the waters of the town and its extraterritorial jurisdiction to chase, harass, molest or disturb any wildlife, except when lawfully angling for, hunting or trapping the wildlife.

§95.30 PERSONAL WATERCRAFT REGULATIONS

The restrictions for operation of a personal watercraft shall be the same as described in NCGS §75A-13.3. The prohibitions shall not apply to law enforcement officials or rescue officials while engaged in ocean rescue or law enforcement. Pursuant to G. S. 75A-13.3(h), the following additional restrictions apply in all waters of the Town and its extraterritorial jurisdiction:

- a. No person may operate a personal watercraft in excess of headway speed, which shall not exceed six mph, within 50 feet of posted water bird sanctuaries or management areas or within 25 feet of the marsh or shore within the Intracoastal Waterway, the main channel through Tubbs Inlet from the south end of Big Narrows to the Intracoastal Waterway, the finger canals and the channel supplying the finger canals.
- b. The operation of the watercraft, in the allowed areas, shall be permitted only from sunrise to sunset on any given day.
- c. It shall be unlawful for any person to launch or recover any personal watercraft from the beach on the Atlantic Ocean within the boundaries of the town and its extraterritorial jurisdiction.
- d. It shall be unlawful for any operator of a personal watercraft on the waters of the town and its extraterritorial jurisdiction to chase, harass, molest or disturb any wildlife, except when lawfully angling for, hunting or trapping the wildlife.
- e. The operation of any personal watercraft above headway speed within the boundaries of the town and its extraterritorial jurisdiction is hereby prohibited, except for operation in the Intracoastal Waterway, and the Atlantic Ocean beyond 750 feet from the water's edge or any pier.

§95.31 SURFING, KAYAK, RAFT, CANOE AND SURF SKI REGULATIONS

It shall be unlawful to surf, kayak, raft, canoe or surf ski in the Atlantic Ocean adjacent to the Town of Sunset Beach from 5th Street to 32nd Street from May 1st through October 31st. It shall be unlawful to surf, kayak, raft, canoe or surf ski in the Atlantic Ocean adjacent to the Town of Sunset Beach between 1st Street and 27th Street from November 1st through April 30th.

It shall be unlawful to surf or surf ski in the Atlantic Ocean adjacent to the Town of Sunset Beach within its boundaries without a leash attached to the surfer while the surfer is in the water, which leash may be no longer than ten (10) feet.

It shall be unlawful to surf, kayak, raft or canoe in or about the Atlantic Ocean or other waterways adjacent to the Town of Sunset Beach within its boundaries without due caution and in such a manner as to endanger any person or property.

§95.40 SURF AND NET FISHING REGULATIONS

It shall be unlawful to Surf or Net Fish in the Atlantic Ocean adjacent to the Town of Sunset Beach between 5th Street and 32nd Street from May 1st through October 31st. It shall be unlawful to Surf or Net Fish in the Atlantic Ocean adjacent to the Town of Sunset Beach between 1st Street and 27th Street from November 1st through April 30th.

Whenever engaged in Surf Fishing along the beach strand, all bait, tackle and any other fishing paraphernalia shall be maintained in a manner to not attract birds, and shall be removed from the beach and the beach left in a clean and sanitary condition.

Whenever engaged in net fishing along the strand, all fish, crabs, or debris removed from the water when the net is pulled shall be removed from the beach and the beach left in a clean and sanitary condition.

Any person engaging in any type of fishing is required to have the appropriate license as required by State law.