

AN ORDINANCE AMENDING THE TOWN CODE  
OF THE TOWN OF DUCK, NORTH CAROLINA RELATED TO BEACH AND DUNE  
MANAGEMENT

**Ordinance No. 13-03**

**WHEREAS**, pursuant to N.C General Statutes §160A-174 a town may by ordinance define, prohibit, regulate or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the town; and

**WHEREAS**, it is necessary to regulate certain activities on the ocean beaches of the Town to ensure the public enjoyment and safe recreation upon the public beaches; and

**WHEREAS**, CAMA land use plan includes the following goal, policy, and objective statements related to protection of the dunes and ocean beaches which serve to reduce vulnerability to natural hazards and provide valuable natural and recreational resources:

*GOAL #1: Preserve, protect, and enhance the Atlantic Ocean Shoreline and ensure future generations are able to enjoy its beauty and bounty and can continue to use the beach and water for active and passive recreation and leisure activities.*

*GOAL #13: Conserve and maintain barrier dunes, beaches, wetlands, and other coastal features for their natural storm protection functions and their natural resources giving recognition to public health, safety, and welfare issues.*

*POLICY #1a: Support the continued management of oceanfront shoreline development to protect and preserve the natural and recreational resources along the oceanfront.*

*OBJECTIVES #1d, #13A, #17C, #23D: Develop policies that minimize threats to life, property, and natural resources resulting from development located in or adjacent to hazard areas, such as those subject to erosion, high winds, storm surge, flooding, or sea level rise.*

**NOW THEREFORE BE IT ORDAINED** by the Town Council for the Town of Duck, North Carolina that the Town Code shall be amended as follows:

**PART I.**

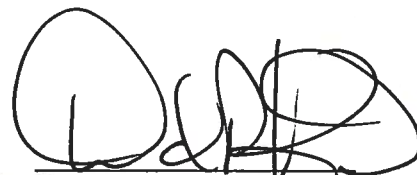
**94.05 Beach and Dune Protection.**

(B) The following activities shall be considered unlawful on the Beach, as defined in Section 94.04:

- (1) Erection of a tent, cabana, or sunshade that meets any of the following conditions as determined by Ocean Rescue Personnel:
  - (a) When, due to beach width, tide levels, crowd conditions, or other factors, placement of tents or similar devices will obstruct the passage of emergency or ocean rescue vehicles or the line of sight from lifeguard stands or other surveillance areas.

1. In such instances, areas may be designated by Ocean Rescue Personnel where the use of tents or similar devices shall be temporarily prohibited.
  2. At any time when tents or similar devices are prohibited in designated areas, an identifier shall be placed at each end of the subject area so as to be readily visible to all persons within said area.
  3. To allow for emergency vehicle access, tents or similar devices shall not be placed within fifteen (15) feet of the base of the seaward toe of the primary dune.
    - (b) Tents, cabanas, and sunshades shall not be greater than twelve (12) feet by twelve (12) feet in area or higher than nine (9) feet above the surface of the beach when installed.
    - (c) Tents, cabanas, and sunshades shall not be tied together and shall be placed no closer than ten (10) feet apart.
- (2) Leaving unattended personal articles on the beach between the hours of 5:00 PM and 8:00 AM. These items may include, but shall not be limited to, volleyball, badminton and tennis nets, poles, tents, chairs, cabanas, sunshades, horseshoe stakes, croquet courses, umbrellas or any other personal property items. Unattended items left on the beach between these hours shall be considered litter and may be subject to removal and disposal.
  - (3) Beach fires as prohibited in Town Code Section 91.21.
  - (4) Substantially altering the contour or shape of the flat beach area by excessive digging or mounding of sand whereby, in the opinion of Public Safety Personnel, such alteration presents a dangerous condition. Persons responsible for altering the contour or shape of the beach to any extent shall restore the beach to its original condition prior to leaving the area unattended for any period of time.
  - (5) Littering.
  - (6) Violations of Town Code Section 90.06 related to mandatory removal of dog feces on the ocean beach.

**PART II.** This ordinance shall be effective upon its adoption.



Don Kingston, Mayor

ATTEST:



Lori A. Kopec  
Town Clerk



Date adopted: April 3, 2013

Motion to adopt by: Councilor Chuck Burchick

Vote: 5 AYES 0 NAYS