



PROPOSED NEW ORDINANCE

Chapter 12 Parks and Recreation, Article 2. Recreation, Division 2. Beach, (new) Subdivision A. Beach Safety and Conservation Standards

Sec. 12-47. Policy.

It is the policy of the Town of Kure Beach to encourage and promote the recreational use of its beach while protecting human safety and conserving and sustaining the sensitive ecosystems of the beach including, but not being limited to, the stabilizing system of sand dunes, sea turtle nesting sites, the nests and young of local and migratory bird species, and the habitats of other maritime plant and wildlife communities. In achieving the purposes of this policy, all actions not otherwise provided for in the Code which occur on or are requested to occur on the beach, including the frontal dune, beach strand, and prohibited areas, shall be evaluated by pertinent Department Heads under and conform to the safety and conservation standards set forth below.

Sec. 12-48. Safety and Conservation Standards.

(a) The following safety and conservation standards shall be used to evaluate the occurrence of actions on the beach not otherwise provided for in the Code. In conforming to these standards, all such actions shall not:

- (1) Pose a direct or indirect threat to human safety.
- (2) Impede, obstruct, disrupt, or hinder the provision of law enforcement, ocean rescue, and other emergency services.
- (3) Unreasonably interfere with the public's use and enjoyment of the beach by emitting loud, disturbing, or unnecessary noise or by discharging fuel or other hazardous materials onto the beach surface or in ocean waters.
- (4) Involve a vehicle being operated on the beach at night which, for purposes of this sub-section, shall be construed to mean the time from one (1) hour before sunset to one (1) hour after sunrise.
- (5) Have the potential of damaging the system of sand dunes.
- (6) Have the potential of damaging or destroying vegetation.
- (7) Have the potential of damaging or destroying sensitive maritime ecosystems.
- (8) Have the potential of increasing beach erosion.

(9) Have the potential of resulting in the harassment, injury, and/or death of local or migratory bird species or their young.

(10) Have the potential of resulting in the harassment, injury, and/or death of sea turtle eggs and/or hatchlings.

(11) Have the potential of resulting in the harassment, injury, and/or death of adult female sea turtles attempting to nest on the beach.

In addition, any such actions shall comply with all applicable Federal, State, and local statutes, codes, regulations, rules, policies, and ordinances.

Sec. 12-49. Exceptions.

The provisions of this division do not apply to authorized personnel performing designated functions including, without limitation, the following: policing and maintaining the beach; ocean rescue and other emergency services; code enforcement; and beach nourishment projects. The Town may also close the beach or restrict activities thereon to eliminate or reduce an immediate threat to human or habitat safety during a state of emergency, natural disaster, or other unforeseen circumstances.