



## ORDINANCE NO. 09-802

### **Amend Chapter 8, Article III Peddling and Soliciting to address beach services**

#### **8-51. Beach Delivery Services.**


Beach delivery services shall be defined as the act of renting items on the municipal beach strand. Rental items shall be limited to: beach chairs, umbrellas, surfboards, body boards, cabana tents, or any other non motorized beach rental item as approved by the town manager.

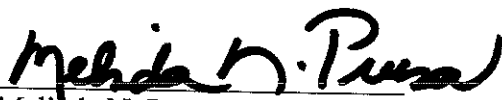
Applicants shall provide a detailed business plan as well as a draft contract between the Town of Carolina Beach and the business owner describing in detail all activities, monies, and other arrangements proposed for review and approval by the town manager. No more than two (2) beach delivery service contracts shall be allowed. The following conditions shall apply to all contracts:

1. Beach delivery service contracts shall be valid for up to five (5) year(s) at the end of which the contract shall become null and void. At the contract holder's request and after four (4) years, a new contract may be reviewed by the Town Council for approval as regulated by the town code at that time. All contracts are nontransferable.
2. A log of beach delivery service activities shall be maintained stating at a minimum: date, total inventory rented, time started, time stopped. This log shall be available for inspection by the town manager upon request for contract renewal. If beach delivery services did not occur on 50% or more of the days between June 1st and August 31st then the contract shall automatically require Town Council review prior to renewal.
3. Applicants shall acquire and maintain liability insurance naming the Town of Carolina Beach as an additional insured entity for not less than \$1,000,000.
4. Rental chairs and rental umbrellas may be stored on the ocean beach with the approval of the Town Council. The location and the method of storage shall be approved by the town manager. The applicant shall submit a notarized agreement holding the Town of Carolina Beach harmless with regard to any theft, loss, damage or injury as a result of the licensee's operation and storage of material on the beach. The storage of product will only be allowed beginning May 1<sup>st</sup> and ending on September 30<sup>th</sup> and is subject to other state and federal laws. The town manager may, at any time and for any reason, suspend the right to store material on the public beach. At the direction of the town manager, the product and all containers associated with the storage shall be removed or moved to another location on the beach strand within twenty-four (24) hours of verbal or written notice.

- 5 Applicants shall have access to sufficient space in the commercial district for storage of inventory, equipment, and vehicles used in the beach delivery service operation.
6. Any vehicles and trailers used in connection with beach delivery service shall be a similar type All Terrain Vehicles (ATV) as is used by the Police Department, and shall satisfy all OSHA and EPA requirements regarding emissions, noise, and impacts to the beach. Each license shall be limited to two (2) ATV's. Drivers of ATV's shall be properly licensed and trained to operate said vehicles in a manner consistent with established Police Department standards.
7. Access to the beach by an ATV shall be limited to Ocean Blvd., Hamlet Ave , and Starfish Lane.
8. A brick and mortar business is required for a beach delivery service. Said business shall have a privilege license and be opened and operational in the Central Business District (CBD) prior to approval by the town manager. No application shall be accepted for a proposed business location. The business located in the CBD shall remain open a minimum of 150 days per calendar year.
9. Beach delivery service operators shall not solicit beach patrons verbally or in an aggressive manner to rent items
10. The workday shall be limited to: 6:00 a.m. to sunset at which time all rental items shall be removed or stored.
11. Contract Revocation:
  - (a) A contract may be revoked immediately by the citing Town official upon receipt of three violations of this ordinance. A permit may be reinstated after review by Town Council at the request of the applicant. The applicant shall make available their log showing the beach delivery services provided and a written explanation of the violations.
  - (b) If the business closes the vending permit shall automatically be void/revoked

Adopted this 28<sup>th</sup> day of July, 2009.

  
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Joe A. Macon, Mayor

Attest:   
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Melinda N. Prusa, Town Clerk

