



ORDINANCE NO. 11-880

Amend Chapter 8 Licenses and Business Regulations, Article 8-48 Beach Services

8-48. Beach Services.

(a) Beach services shall be defined as the act of renting items on (1) the municipal beach strand or; (2) Freeman Park.

(b) 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. Fees shall be submitted in accordance with the budget ordinance. The following conditions shall apply to all contracts:

1. Beach service contracts shall be valid for ~~up to five (5) year(s)~~ a time specified by Town Council 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 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 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 licensees operation and storage of material on the beach. The storage of product will only be allowed beginning May 1st and ending on September 30th 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 service operation.
6. Beach service operators shall not solicit beach patrons verbally or in an aggressive manner to rent items.
7. Hours of operation shall be limited from sunrise to sunset.
8. **Contract Revocation:**
 - (i) 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 services provided and a written explanation of the violations.
 - (ii) If the business closes the beach service contract shall automatically be void/revoked.

(c) The following regulations are specific to either Freeman Park or the Municipal Beach Strand. Rental items shall be limited to:

- Non-motorized items such as: beach chairs, umbrellas, surfboards, body boards, cabana tents, or any other beach rental item as approved by the town manager and;
- Motorized items such as: personal watercraft or other items as approved by the town manager.

1. **Freeman Park:**

(i) A maximum of three (3) contracts shall be authorized by the Town of Carolina Beach: two (2) contracts for non-motorized items, and one (1) contract for motorized items.

(ii) Only standard operational 4X4 vehicles that are legally licensed, insured, properly inspected, have a Freeman Park permit, and in compliance with North Carolina Statutes particularly the operational and safety standards shall operate under a beach services contract within Freeman Park. No golf carts, gators, motorcycles, ATVs, trailers (including boat and campers) shall be utilized for beach services operations within Freeman Park unless otherwise approved by the Town Manager.

(iii) **Non motorized contract conditions:**

(a) The beach service shall be owned and operated by: a business located within any commercial zoning district (CBD, NB, HB, MB, T-1, and I-1) inside Carolina Beach or; a Carolina Beach property owner.

(b) The business shall have a privilege license and be opened and operational prior to obtaining a beach services contract. No beach service contract shall be accepted for proposed business locations.

(iv) Motorized contract conditions:

(a) Operations and Safety

All personal watercraft shall operate in compliance with Chapter 10 Article V Personal Watercraft Safety and Chapter 11 Section 11-60 Surfing and other water related activities.

(b) Fueling:

No fueling shall be conducted on Freeman Park

(c) In no instance shall less than 30 feet or more than 50 feet of beach area reserved to conduct personal watercraft rentals. Markers shall be placed perpendicular to the mean high water line extending both on land and water a minimum of 30 feet and maximum of 50 feet to designate the water area as a “no swim zone” and the land area as an area for training and beaching personal watercraft. All markers shall have state and federal approval

(d) Users of Freeman Park shall not be requested to relocate if there is not ample space to begin daily rental operations.

(e) Maximum number of personal watercraft for rental and/or lease shall be limited to (5) units.

(f) Up to 20 square feet of signage may be utilized at the operational site after approval of a sign permit.

2. Municipal Beach Strand:

(i) A maximum of two (2) non-motorized contracts shall be authorized by the Town of Carolina Beach.

(ii) The beach service activity shall be operated from a business location in the Central Business District. The beach service shall be owned and operated by the owners of the business.

(iii) The business shall have a privilege license and be opened and operational prior to obtaining a beach services contract. No beach services contract shall be accepted for a proposed business location. The business shall remain opened a minimum of 150 days per calendar year.

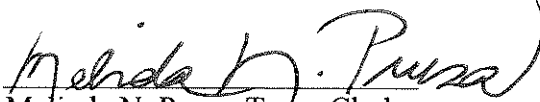
(iv) The beach service activity shall also be available at the business location at a similar cost.

(v) Any vehicles and trailers used in connection with beach 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.

(vi) Access to the beach by an ATV shall be limited to Ocean Blvd., Hamlet Ave., and Starfish Lane.

Adopted this 11th day of October 2011.


Joel A. Macon, Mayor

Attest: 
Melinda N. Prusa, Town Clerk

