



Town of North Topsail Beach
Board of Aldermen

Agenda
Item:
Date: 10/5/2022

Issue: Ordinance Amending Town Code § 10-47 EXEMPTIONS

Department: Planning

Prepared by: Deborah J. Hill MPA AICP CFM CZO

Presentation: Yes

BACKGROUND The Board requested that the Planning Board review Town Code § 10-47 EXEMPTIONS, specifically deleting the reference to sea shells and provide language in consideration of wildlife conservation efforts. The Planning Board recommends that Town Code § 10-47 EXEMPTIONS be amended as follows:

ARTICLE IV. SAND DUNE PROTECTION
§ 10-47 EXEMPTIONS.

The town hereby encourages responsible dune management activities including proper construction and maintenance of improved dune walkover structures, the use of shared and/or community beach accesses, the proper installation and maintenance of sand fencing, and planting of native, salt-tolerant dune vegetation. Therefore, this article shall not apply to the following activities:

- 1) Activities authorized by the Town Manager for persons engaged in research or conservation activities;
- 2) Federal, state, and local officials engaged in official regulatory activities;
- 3) Development activities authorized or permitted by the local, state or federal officials;
- 4) Dune or property maintenance activities including planting or fertilization of vegetation, sand fence installation and minor dune repairs; and
- 5) Activities within the developed portion of the dune system.

RECOMMENDATION the Planning Board recommends that the Board of Aldermen adopts the Ordinance amending Town Code § 10-47 EXEMPTIONS.

ATTACHMENT Ordinance Amending Town Code § 10-47 Exemptions

Deleted: The provisions of this article do not apply to:¶
(a) The removal of sand, seashells or similar materials for souvenir value in such amounts as may be carried upon the person;¶
(b) Any activity authorized or allowed by G.S. § 113A-103(5)(b)5. for emergency maintenance and repair.¶
(c) Any activity conducted by a federal or state agency for beach renourishment and protection.¶
(Ord. 2015-10, passed 10-1-2015)¶

Ordinance 22-0005

Ordinance Amending Town Code § 10-47 Exemptions

BE IT ORDAINED by the Board of Aldermen of the Town of North Topsail Beach, North Carolina that the Code of Ordinances be amended by inserting a new § 10-47 Article IV of Chapter 10 and numbering the sections et seq. accordingly. New Article IV § 10-47 to read:

ARTICLE IV. SAND DUNE PROTECTION

§ 10-47 EXEMPTIONS.

The town hereby encourages responsible dune management activities including proper construction and maintenance of improved dune walkover structures, the use of shared and/or community beach accesses, the proper installation and maintenance of sand fencing, and planting of native, salt-tolerant dune vegetation. Therefore, this article shall not apply to the following activities:

- 1) Activities authorized by the Town Manager for persons engaged in research or conservation activities;
- 2) Federal, state, and local officials engaged in official regulatory activities;
- 3) Development activities authorized or permitted by the local, state or federal officials;
- 4) Dune or property maintenance activities including planting or fertilization of vegetation, sand fence installation and minor dune repairs; and
- 5) Activities within the developed portion of the dune system.

This ordinance is effective upon its adoption.
Adopted this the 5th day of October, 2022.

APPROVED:

Joann McDermon, Mayor

(Seal)

ATTEST:

Melinda Mier, Town Clerk