



AGENDA ITEM SUMMARY

Item #5

MEETING DATE: August 1, 2023

ITEM TITLE: Consideration of amendment to Town Code Sec. 20-109. - Driving or landing aircraft on beaches.

ITEM SUMMARY:

Last year, during a staff presentation concerning the potential of the Town regulating E-Bikes, staff recognized that Town Code Section 20-109- Driving or landing aircraft on beaches was somewhat outdated and should be modernized. The attached ordinance removes the present language in its entirety, retitles the ordinance, and mirrors similar language in other Dare County towns.

STAFF RECOMMENDATION:

Staff recommends that the Town Council adopt the ordinance as presented.

REQUESTED ACTION:

A motion to adopt TCA-23-01 6-19-23 Ordinance 2023-08-01



Town of Southern Shores

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TCA-23-01

Ordinance 2023-08-02

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. Chap. 160A, the Town has duly codified the Town's Code of Ordinances (the "Town Code"); and

WHEREAS, pursuant to North Carolina General Statutes § 160A-174 the Town may enact and amend ordinances that 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 may define and abate nuisances; and

WHEREAS, the Town further finds that in accordance with the findings above it is in the interest of and not contrary to the public's health, safety and general welfare for the Town to amend the Town Code of Ordinances as stated below.

ARTICLE II. Construction.

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by an ellipses ("...") shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of Zoning Ordinance.

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

PART I. That **Sec. 20-109. Driving or landing aircraft on beaches.** Be deleted in its entirety and replaced as follows:

~~Sec. 20-109. Driving or landing aircraft on beaches.~~

~~It shall be unlawful for any person to operate any motor vehicle or land or take off in any aircraft, except in case of emergency, within the following described beach area in the town: beginning at the northern boundary line of the town and running thence in a southerly direction along the oceanfront with the low tidewater line to the southern boundary line of the town; provided that this~~

~~section shall not apply to motor vehicles operated upon any regularly established or dedicated road or driveway on private property by the owners of such property, members of their immediate family or by bona fide guests with the written permission of such owner nor shall it apply to the official operation of motor vehicles or aircraft belonging to or used by the United States Coast Guard Service; and provided that this section shall not apply to the operation of motor vehicles or automotive equipment belonging to and used and operated by commercial fishermen while such fishermen are actually engaged in the fishing or setting of nets or seines from or in the ocean; provided that nothing in this section shall be construed to authorize, permit or allow commercial fishermen or any other person to drive across, enter upon or conduct their fishing operations on any private property other than that owned or leased by them except by permission of the owners in the above described area.~~

Sec. 20-109. Driving on the beach.

It shall be unlawful for any person to operate any vehicle of any type, excluding bicycles and e-bikes, and including but not limited to; motor vehicles, pickup trucks, airplanes/helicopters, beach buggies, jeeps, motorcycles, any; one, two, three or four wheeled vehicles powered by any type of motor or physically propelled on the ocean beach area within the Town of Southern Shores.

This shall not apply to Ocean Rescue, Fire, Police, USCG, Public Works or other town authorized entities such as beach survey/nourishment contractors, turtle (NEST)volunteers, Authorized Ocean/Sea mammal rescue/removal entities, authorized commercial fishing, or Extreme Emergency situation(s).

ARTICLE IV. Severability.

All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the Town of Southern Shores, North Carolina which shall remain in full force and effect.

ARTICLE V. Effective Date.

This ordinance amendment shall be in full force and effect from and after the ____ day of _____, 2023.

Elizabeth Morey, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Date adopted:

