

AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH TO AMEND SECTION 5-24 OF THE CODE TO PROHIBIT THE USE OF BEACH TENTS AND SIMILAR SHADING DEVICES ON THE CITY'S BEACHES FROM MAY 15 THROUGH SEPTEMBER 15

Whereas, the City of North Myrtle Beach welcomes approximately 100,000 visitors daily to the City's beach during the summer months, and

Whereas, prior to the early 2000's, visitors and residents who enjoyed the City's beach during the spring and summer months primarily used beach umbrellas for shade from the sun; and

Whereas, over the last several years, the use of beach tents as a method of providing shade from the sun has proliferated; and

Whereas, beach-goers often lash beach tents together and or place the beach tents in close proximity to surrounding beach tents which results in obstructions to the City's public safety personnel and their vehicles/equipment when emergency circumstances dictate that public safety personnel quickly reach swimmers in distress and/or beach-goers experiencing an emergency medical crisis; and

Whereas, the proliferation of beach tents has also created a visual obstruction for public safety personnel and hinders public safety personnel from visually identifying swimmers or beach-goers who may be in distress and in need of assistance and/or emergency, life-saving services; and

Whereas, for the health, safety and welfare of the residents and visitors of the City of North Myrtle Beach, City Council shall prohibit the use of beach tents and similar shading devices on the City's beach from May 15-September 15 annually.

NOW THEREFORE, BE IT ODAINED BY THE MAYOR AND COUNCIL FOR THE CITY OF NORTH MYRLTE BEACH SOUTH CAROLINA THAT SECTION 5-24 OF THE CODE BE AMENDED AS FOLLOWS:

5-24. Placing Obstructions on the Beach.

- (a) Hours: Except for municipal beach service equipment or equipment authorized by franchise agreement, it shall be unlawful between the hours of 7:00 p.m. and 8:00 a.m. for any person to place upon, set upon or leave upon the beach any equipment or other items, including but not limited to beach umbrellas or other shading devices, surfboards, floats, life rafts, volleyball nets, etc.
- (b) **Placement of shading devices on the beach from May 15 through September 15: Other than umbrellas with a center pole no greater than seven feet six inches (7 feet 6 inches) in height and with a circular shade no greater than nine feet (9 feet) in diameter, all shading devices, including but not limited to tents, tarps, cabanas, pavilions, sports-brellas or devices similar to sports-brellas, or any material mounted on supports are prohibited from being placed on the beach from May 15 through September 15. An umbrella is defined as a collapsible circular shade consisting of a natural or synthetic fabric shade stretched over hinged ribs radiating from a central pole without grounding lines or ropes.**

- (c) No umbrellas or other shading devices may be placed within the emergency vehicle access lane, which is the area approximately twenty (20) to twenty-five (25) feet seaward of the dune line and parallel to the shoreline that will be marked by city trash cans, pylons and/or flags. The Director of the Department of Public Safety or his designee shall have the authority to establish unobstructed emergency access lanes perpendicular to the shoreline for emergency vehicles, personnel and/or other emergency equipment to access the surf or other areas of the beach in the event of an emergency. Emergency access lanes perpendicular to the shoreline shall remain open and unobstructed until the Director of Public Safety or his designee determines the emergency access lane is no longer necessary.
- (d) Removal, disposal: Umbrellas or other items/equipment remaining on the beach between the hours of 7:00 p.m. and 8:00 a.m. will be removed from the beach. All items removed from the beach will be marked with the date of removal and maintained in the City's storage yard for a period of thirty (30) days from the date of removal. If the item has not been reclaimed within thirty (30) days from the date of removal, the item shall be deemed forfeited and shall be disposed of in a manner to be determined by the City Manager or his designee, including but not limited to selling the forfeited item(s) at auction, donating the item(s) for charitable purposes or disposing of the item(s) as refuse. A forty dollar (\$40) administrative fee shall be charged for items claimed from the storage yard.
- (e) Sand fencing and dune walkovers: Sand fences and dune walkovers have been constructed to rebuild and preserve the sand dunes; sand dunes serve as barriers that aid in protecting life and property during hurricanes and/or other tidal events. It is prohibited to move, alter, obstruct or interfere with the sand fencing, including but not limited to chaining items to, locking items to, or connecting items to a sand fence. In addition, no items may be placed, put, chained to, locked to or stored under any dune walkover located on the public beach.
- (f) Other obstructions. It shall be unlawful to build or erect any fence or other obstruction on the public beach so as to obstruct or impede the free use of the public beach or to interfere with or obstruct any maintenance operation on the beach.
- (g) Penalty. Violations of this section are punishable as provided in section 1-6.

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