



TOWN COUNCIL AGENDA

PUBLIC HEARING

September 20, 2016 @ 6:00 PM

**PROPOSED NEW ORDINANCE
BEACH SAFETY AND CONSERVATION STANDARDS
SECTIONS 12-47, 12-48 and 12-49**

CALL TO ORDER AND PURPOSE OF HEARING – Mayor Swearingen

The purpose of this hearing is to receive public input on a proposed new ordinance under Chapter 12 (Parks and Recreation), Article 2 (Recreation), Division 2 (Beach). Council is proposing to add Subdivision A (Beach Safety and Conservation Standards) to the town's code with the following new sections: 12-47 (Policy), 12-48 (Safety and Conservation Standards) and 12-49 (Exceptions). After hearing the public's input, Council will discuss and consider this matter further during the regular council meeting scheduled to be held directly after this hearing adjourns.

Notice of the public hearing was posted on the Town's bulletin board and website on September 2, 2016, and was published in the Island Gazette on September 14, 2016.

PUBLIC COMMENTS

The public is asked to sign in at the podium if they wish to provide input

ADJOURNMENT



PROPOSED NEW ORDINANCE

Chapter 12 Parks and Recreation, Article 2. Recreation, Division 2. Beach, (new) Subdivision A. Beach Safety and Conservation Standards

Sec. 12-47. Policy.

It is the policy of the Town of Kure Beach to encourage and promote the recreational use of its beach while protecting human safety and conserving and sustaining the sensitive ecosystems of the beach including, but not being limited to, the stabilizing system of sand dunes, sea turtle nesting sites, the nests and young of local and migratory bird species, and the habitats of other maritime plant and wildlife communities. In achieving the purposes of this policy, all actions not otherwise provided for in the Code which occur on or are requested to occur on the beach, including the frontal dune, beach strand, and prohibited areas, shall be evaluated by pertinent Department Heads under and conform to the safety and conservation standards set forth below.

Sec. 12-48. Safety and Conservation Standards.

(a) The following safety and conservation standards shall be used to evaluate the occurrence of actions on the beach not otherwise provided for in the Code. In conforming to these standards, all such actions shall not:

- (1) Pose a direct or indirect threat to human safety.
- (2) Impede, obstruct, disrupt, or hinder the provision of law enforcement, ocean rescue, and other emergency services.
- (3) Unreasonably interfere with the public's use and enjoyment of the beach by emitting loud, disturbing, or unnecessary noise or by discharging fuel or other hazardous materials onto the beach surface or in ocean waters.
- (4) Involve a vehicle being operated on the beach at night which, for purposes of this sub-section, shall be construed to mean the time from one (1) hour before sunset to one (1) hour after sunrise.
- (5) Have the potential of damaging the system of sand dunes.
- (6) Have the potential of damaging or destroying vegetation.
- (7) Have the potential of damaging or destroying sensitive maritime ecosystems.
- (8) Have the potential of increasing beach erosion.

(9) Have the potential of resulting in the harassment, injury, and/or death of local or migratory bird species or their young.

(10) Have the potential of resulting in the harassment, injury, and/or death of sea turtle eggs and/or hatchlings.

(11) Have the potential of resulting in the harassment, injury, and/or death of adult female sea turtles attempting to nest on the beach.

In addition, any such actions shall comply with all applicable Federal, State, and local statutes, codes, regulations, rules, policies, and ordinances.

Sec. 12-49. Exceptions.

The provisions of this division do not apply to authorized personnel performing designated functions including, without limitation, the following: policing and maintaining the beach; ocean rescue and other emergency services; code enforcement; and beach nourishment projects. The Town may also close the beach or restrict activities thereon to eliminate or reduce an immediate threat to human or habitat safety during a state of emergency, natural disaster, or other unforeseen circumstances.



TOWN OF KURE BEACH NOTICE OF PUBLIC HEARING

Notice is hereby given that Kure Beach Town Council will hold a Public Hearing at Town Hall on Tuesday, September 20, 2016 beginning at 6:00 p.m., or soon thereafter. The purpose of the hearing is to receive public input on a proposed new ordinance under Chapter 12 (Parks and Recreation), Article 2 (Recreation), Division 2 (Beach). Council is proposing to add Subdivision A (Beach Safety and Conservation Standards) to the town's code with new Sections 12-47 (Policy), 12-48 (Safety and Conservation Standards) and 12-49 (Exceptions).

A copy of the proposed ordinance is on file in the office of the Deputy Clerk for viewing and can be found under Town News on the Town's website at www.townofkurebeach.org.

All interested persons are encouraged to attend. If you are unable to attend, you may submit your comments in writing to Town Hall, c/o Deputy Clerk, 117 Settlers Lane, Kure Beach, NC 28449.

Nancy Hewitt, Deputy Town Clerk
Posted 9/2/16