Town of Southern Shores
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TCA-17-02

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

ARTICLE I. Purpose(s) and Authority.

WHEREAS, the Town of Southern Shores (the "Town") may enact and amend ordinances for defining and abating nuisances and otherwise in the interest of the public's health, safety, morals and general welfare pursuant to North Carolina General Statutes § 160A-174; and

WHEREAS, the Town of Southern Shores has engaged a contractor to perform a beach nourishment project on a portion of the Town's public beaches; and

WHERAS, the beach nourishment project as proposed will be an engineered beach nourishment project along approximately 1,500 feet of public trust ocean beach at the southern-most end of the Town of Southern Shores town limits, including engineered placement of approximately 1,000 feet of sand to be tapered north of the 1,500 feet as a necessary function of the project; and

WHERAS, disturbance of the Town's ocean beaches that are within the limits of a completed public beach nourishment project should be limited to preserve the integrity of the professionally designed and permitted project as it enhances the public trust ocean beach; and

WHEREAS, the Town Council finds that it is in the interest of the public's health, safety, morals and general welfare that the Town's Code of Ordinances be amended as stated below.

ARTICLE II. Construction.

For purposes of this ordinance amendment, underlined words (<u>underline</u>) 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 Waterways and Beaches 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 **Town Code Sec. 34-55** be amended as follows:

...

(e) *Beach bulldozing prohibited.* On the Town's ocean beaches that are within the limits of a completed public beach nourishment project, bulldozing sand, pushing sand by mechanical means or other mechanical change to the topography is prohibited except in the following situations:

(1) When such work is performed as a part of a hurricane or erosion protection project or beach nourishment project sponsored by the town or any local, state or federal government agency;

a. When work is performed upon the ocean beaches in compliance with this subsection, the equipment operator must have a copy of the CAMA permit/exemption letter from the town on his/her person when conducting this activity and be familiar with all of the conditions associated with the permit.

(2) When such work is performed at the direction of, and with authorization by, the town for the purpose of beach maintenance; and

(3) When such work is authorized by the Town Council following a natural disaster.

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, Flood 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 20 day of June, 2017.

TOWN OF SOUTHERN SHORES SEAL NC

Thomas M. Bennett, Mayor

ATTEST:

Town Clerk

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Date adopted:

Motion to adopt by Councilmember: Gary McDonald

Motion seconded by Councilmember: Leo Holland

Vote: 5 AYES 0 NAYS