

Rules and Regulations for Cabana Permits
(Adopted 03/02/20)
Addendum to Application for Cabana Permits

- 1) It is the intent of the Town to permit limited business activities on the Town's beach strand as specified in the Town's Code of Ordinances Section 95.07, *et al.* in recognition of the benefits of such business activities to the citizens of Sunset Beach, Brunswick County, and the State of North Carolina.
- 2) Activities shall be conducted in accordance with Section 95.07 of the Town of Sunset Beach Code of Ordinances, as well as all other Town ordinances and State regulations.
- 3) Activities are not permitted in any area in which an authorized special event or Town-sponsored activity is underway unless the applicant has arranged with the organizer or manager of the event and demonstrates this in writing to the Town. It is the responsibility of the applicant to secure information concerning scheduled events and activities through the Town Administrator's Office.
- 4) No sale, rental or other business activities concerning merchandise or equipment, including Cabanas and Recreational Devices as defined in the Town's Code of Ordinances, shall be conducted on the Town's beach strand. No payment of any fees shall be accepted by such business on the Town's beach strand. Any rentals or sales of merchandise or equipment, including without limitation Cabanas or Recreational Devices, or payment for such items and for personal services must be carried out at the primary business location of such Commercial vendor and/or rental business or enterprise.
- 5) Approved business activities related to commercial Cabana vendors and/or rental enterprises are only authorized to operate between the hours of 7:00 AM and 12:00 AM on the Town's beach strand. All unattended cabanas, umbrellas or recreational items remaining on the town's beach strand, walkways, and Main St. right of way after 07:00 pm local time shall be considered abandoned and removed by Town officials and become property of the town for its disposal in its sole discretion as allowed by law.
- 6) Each applicant for a Cabana permit shall pay an annual permit application fee payable to the Town of Sunset Beach. **THE APPLICATION FEE IS NON-REFUNDABLE.** The fee shall be established by the Town Council and set forth in the Schedule of Fees.
- 7) Each applicant for a Cabana permit shall provide a certificate of general liability insurance, with limits not less than \$1,000,000.
- 8) Any representative of a Cabana permit holder shall always have a copy of the required permit available for inspection by the Town.

- 9) No Cabana permit holder shall alter any facilities, dunes, or vegetation of the Town and/or of the Town's beach strand in any way.
- 10) Publicity signs may not be posted by the Cabana permit holders, and there shall not be any solicitation by any Cabana permit holders on the Town's beach strand.
- 11) A previously issued Town Cabana permit application may be revoked and terminated by the Town Administrator in his/her sole discretion if the Town's Cabana permit rules and regulations and/or Town Ordinances are violated, as per Section 95.07 of the Town Ordinances.
- 12) All materials promoting the business of the Cabana permit holder must include a disclaimer stating that the activity is not endorsed or supported in any way by the Town of Sunset Beach and evidence of same must be submitted to the Town upon request by the Town.
- 13) Nothing herein shall be construed so as to limit or prohibit commercially reasonable business logo and trade name and contact information on the Cabanas approved by permit to be installed by any Commercial vendor possessing a duly issued Cabana permit.

Town of Sunset Beach Code of Ordinances
Chapter 95 Beach Strand, Waterway, Channel and Canal Regulations
Excerpt 95.07

§ 95.07 PLACEMENT OF TENTS, CABANAS, SHADING DEVICES, CANOPIES, SPORTING EQUIPMENT AND SIMILAR ITEMS; AND PERMITS FOR COMMERCIAL VENDORS AND/OR RENTAL ENTERPRISES OFFERING PLACEMENT AND REMOVAL OF CABANAS.

The placement of tents, cabanas, shading devices, canopies, sporting equipment or similar items on the town's beach strand must abide by the following regulations:

I. No tents, cabanas, baby pop-up tents, umbrellas, wind-driven or other types of shading devices, or canopies sporting equipment or similar items (collectively defined herein as, "recreational items") may be placed within a 30-foot-wide path (15 feet on either side of the projected centerline) at the end of any town emergency access road or public beach access walkway. This clear path extends from the beach access walkway through the approximate limits of the established Cabana placement area (see III below).

II. Baby "pop-up" tents and umbrellas are not subject to this Ordinance Section III. a. below (unless specifically noted) regarding placement on the beach strand.

III. a. Cabanas/Canopy/Tents/Wind-driven or other similar types of shading devices (see 95.07 III. i below, regarding Wind-driven devices "trial" period exemption) shall be: (i) erected in a single line parallel to the ocean; (ii) no larger than 12-foot by 12-foot in overall footprint size; and (iii) separated from any other cabanas/canopies/tents, other shading devices or recreational items by a minimum of ten feet. The backs of cabanas/canopies/tents, other shading devices and recreational items shall be placed on the Ocean side of the approximate line that could be drawn between the two adjacent beach trash can poles at each beach access which have been positioned by the town to allow for adequate passage at the dune line by the town's emergency vehicles. No cabanas/canopies/tents, baby pop-up tents, umbrellas, wind-driven or other shading devices, recreational items of any kind, or any Obstructions (see DEFINITIONS Section 95.01) shall be placed within the town's emergency vehicle access areas located at the edge of the dune line as described above.

b. All cabanas/canopies/tents, baby pop-up tents, umbrellas, wind-driven and other shading devices and recreational items shall be at least 15 feet from any designated sea turtle or bird nest areas.

c. No anchors or tie downs for cabanas/canopies/tents, baby pop-up tents, umbrellas, wind-driven and other shading devices or recreational items shall be positioned within the emergency access road. Recreational items, such as, for instance and without limitation, volleyball nets, horseshoe stakes, etc. shall remain erected only when in use or attended by an adult.

d. All cabanas/canopies/tents, baby pop-up tents, umbrellas, wind-driven and other shading devices and recreational items shall be collapsed and secured when the sustained wind speed (in the judgement of Town Staff) renders it unsafe for them to remain erected.

e. No cabanas/canopies/tents, baby pop-up tents, umbrellas, wind-driven and other shading devices, or recreational items shall be staged, stored or erected on the town's beaches, beach access walkways or on Main St. right-of-way before 7:00 a.m. local time. All of these and similar items shall be removed from the town's beach strand, beach access walkways and Main St. rights-of-way by 7:00 p.m. local time. All unattended cabanas/canopies/tents, baby pop-up tents, umbrellas, wind-driven shading devices and recreational items remaining on the town's beach strand after 7:00 p.m. local time shall be considered abandoned and removed by town officials and become property of the town for its disposal in its sole discretion as allowed by law.

f. No Cabanas/canopies/tents, wind-driven shading devices or recreational items shall be erected between the areas of the town's beach strand of 3rd Street through 29th Street.

g. Any person using, installing, and/or removing cabanas/canopies/tents, baby pop-up tents, umbrellas, wind-driven and other shading devices or recreational items (as defined in Chapter 95) shall be responsible for ensuring compliance with all of the provisions contained herein, including without limitation, this subsection III and all subparts, and all other applicable town ordinances.

h. Commercial vendors and/or rental enterprises shall only be allowed to erect or remove cabanas after they have obtained a permit for doing so from the town. Commercial vendors and/or rental enterprises shall comply with all of subsections I and II above, and this subsection III, all subparts included.

i. Wind-driven shading devices (refer to Definition in 95.01) shall be exempt from the above Section III. a. (unless specifically noted) regarding allowable placement location on the beach strand and can be placed anywhere on the beach strand forward of the emergency access road (except between 3rd St. and 29th St.) from October 1, 2023, to July 8, 2024 (an initial "trial" period for program evaluation by the Town). They must maintain a minimum spacing of 10' from other similar devices and from any cabana/canopy/tent, umbrella, shading device, or recreational item, and must not exceed the required 12' X 12' overall footprint size.

IV. The following provisions shall only apply to commercial vendors and/or rental enterprises in the business of renting and/or selling cabanas for usage on the town's beach strand:

1. *Permit required for cabanas.* All commercial vendors and/or rental enterprises of cabanas may only erect and remove cabanas on the town's beach strand after first obtaining a permit issued by the Town Administrator or his/her designee(s).

a. Permits will be available from the Town Administrator on a first-come,

first-served basis beginning on November 1st of each year. Only complete applications for permits submitted on or after November 1st will be considered by the town's administrator as being complete. An incomplete application does not reserve the applicant's place in line for a permit. It is the applicant's responsibility to submit fully and properly completed applications. The last day applications will be accepted is December 15th each year.

- b. The town's rules and regulations applicable to commercial vendors and/or rental enterprises and applications for a cabana permit are referenced within the town's cabana applications and are subject to change, amendments and modifications as the town shall determine in its sole discretion. The town's rules and regulations contained within the town's cabana applications are fully incorporated herein by reference and shall be completely satisfied by prospective commercial cabana vendors and/or rental enterprises for their respective applications to be deemed complete and to be considered by the town.
- c. A successful cabana permit applicant shall be permitted to erect and remove cabanas on the town's beach strand for the period from the date of issuance by the town at some point between November 1st—December 15th of the current year, until October 31st of the following year ("permit period").
- d. Successful applicants, in the order in which their complete applications were received (note required timing for complete applications in Section IV. 1. a. above), will be given the opportunity to determine how many cabana packages they wish to purchase as part of their permit. A permit may only contain up to a maximum of three cabana packages per permit. Each permit package authorizes the permit holder to install up to ten cabanas per day of each day during the permit period. The town shall have a total maximum of 15 cabana packages available for purchase during each permit period, for a total of 150 cabanas available by permit only to be erected by cabana commercial vendors and/or rental enterprises.
- e. The town council will set the cost of each package in the town's fee schedule each year. The cost of each permit will depend upon the number of packages (up to the maximum of three packages) that the permit holder purchases.

2. *Identification:* Cabanas/canopies/tents, umbrellas, shading devices, and/or recreational items erected on the town's beach strand by commercial vendors and/or rental enterprises shall display the contact information of the vendor and the family name of the renter. This information must be in plain view and in an easy-to-read print.

3. *Solicitation:* Commercial vendors and/or rental enterprises may not erect

cabanas on the town's beach strand for advertisement of their services, nor shall they be allowed to actively solicit or sell their services from the town's beach strand or public accesses.

Violation: Any violation of the provisions of this section shall result in a fine as established in Sunset Beach Code of Ordinances § 95.99 and may result in a loss of the permit, at the sole discretion of the town's administrator, including his/her designees and/or the town's designated patrol officer(s) based upon, among other things, the severity of the violation, repeated violations, or other bases affecting the health, safety or welfare of the public. Commercial vendors and/or rental enterprises who have had their permits revoked may only reapply the following season after approval by the Town Administrator.