

Town of North Topsail Beach

Daniel Tuman, Mayor
Michael Yawn, Mayor Pro Tem
Aldermen:
Richard Farley
Deborah Lanci
Richard Macartney
Robert Swantek



Steven H. Foster
Town Manager

Carin Z. Faulkner, MPA
Town Clerk

ORDINANCE NO. 2010-2

AN ORDINANCE AMENDING CHAPTER 4 OF THE CODE OF THE TOWN OF NORTH TOPSAIL BEACH

WHEREAS, Chapter 4 entitled *Licenses, Taxation, and Miscellaneous Business Regulations* of the Town Code of Ordinances as previously established does not include the regulation of beach vendors.

NOW, THEREFORE, BE IT ORDAINED by the Town of North Topsail Beach Sec. 4-1. Selling goods on public property is hereby amended as follows (Note: new text is underlined):

Sec. 4-1. Selling goods on public property.

- (a) It shall be unlawful for any person to expose for sale, offer to sell, barter or exchange, or sell, barter or exchange any goods, wares or merchandise within the street and highway rights-of-way of the town, or on the ocean beaches of the town (except as specified in section 4-35, Beach vendors), or on parking lots (and other areas open to the public) which are contiguous to the state highway and town street rights-of-way.
- (b) No license issued pursuant to ordinance shall authorize or allow a commercial business or activity prohibited by the Town's ordinances.
- (e) Forfeiture deleted. (Referenced in Sec. 4-33)

BE IT FURTHER ORDAINED by the Town of North Topsail Beach Sec. 4-11, Definitions includes:

Beach: An area adjacent to the ocean extending landward from the mean low water line to a point where either the growth of vegetation occurs or a distinct change in slope or elevation alters the configuration of the landform, whichever is farther landward, or riparian owners have specifically and legally restricted access above the mean high water line. This definition is intended to describe those shoreline areas customarily freely used by the public.

BE IT FURTHER ORDAINED by the Town of North Topsail Sec. 4-34, Schedule of taxes is rewritten as follows:

The schedule of taxes is included in the annual budget of the town.

BE IT FURTHER ORDAINED by the Town of North Topsail Sec. 4-35, Beach Vendors is written as follows:

Sec 4-35. Beach Vendors

The town shall allow beach vendors with strict limitations and conditions:

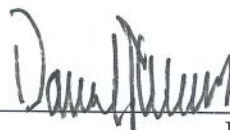
1. The town shall limit the number of licenses to 6.
2. Each license is permitted to operate up to 6 locations or sales/service stand or carts.
3. Priority in allocating the licenses shall be given to licensees who demonstrate that they have sufficient means to comply with this Chapter. Consideration will be given to licensees from prior years provided said prior licensees have not violated the provisions of this Chapter; all remaining unallocated licenses will be awarded by a random lottery.
4. Beach vendors may operate from April 1st to March 31st, and from dawn to dusk every day of the week.
5. Beach vendors may be mobile or stationary, and may operate on the beach, as defined; however, no stands, carts, or merchandise, or any other equipment or supplies for a beach vendor will be left upon the beach overnight.
6. Sales/service stands or carts, including merchandise to be sold or rented will be limited to 20 square feet of space occupied on the beach per license. Also no sign may be more than 6 square feet, and no stand or cart may be more than 8 feet in height. Beach vendor carts may display a maximum of two (2) signs, not exceeding six (6) square feet in area for each sign.
7. No hawking, music, bells, or noisemaking of any type to attract business will be allowed.
8. No motorized conveyances will be allowed on the beach.
9. No sales or rental of motorized vehicles, boats, or other motorized devices will be allowed.
10. No sales of alcoholic beverages, tobacco products, fireworks, firearms, ammunition, or products requiring an ABC license or health department license will be allowed. Also, no open flames are allowed.
11. Beach vendors shall be required to carry liability insurance with at minimum a coverage of \$1,000,000.

This ordinance shall be effective upon adoption.

Adopted on motion of Alderman Macartney, seconded by Alderman Lanci, and approved on vote of 3 in favor and 2 against.

This the 4th day of March, 2010.

APPROVED:



Daniel Tuman, Mayor

ATTEST:



Carin Z. Faulkner, Town Clerk

