



March 17, 2023

Dear Rental Property Management Company,

We are asking that you convey the following information to all of your equipment setup vendors as well as your vacation renters.

Due to numerous complaints the past few seasons, we are taking this time to remind you, your staff, your vendors and your vacation renters of our dune protection regulations as noted below. Beach tents, umbrellas, chairs, etc. must be removed entirely from the beach on a daily basis or risk being collected as litter. Please see the full list of regulations with regard to beach equipment below.

- Tent/chair, etc. setups may not occur before 8 am;
- Tent/chair, etc. setups must be removed daily from the beach by 5 pm if unattended;
- Removal from the beach does not mean laying them in or on the dune, under or beside beach stairs, etc. They must be removed entirely from the beach and dune system;
- Tent/chair, etc. setups must allow for a 15' travel lane at the base of the dune for emergency access;
- Tents may not be any larger than 12x12 or any taller than 9 feet;
- Tents and/or sunshades may not be tied together nor may they be spaced any closer than 10 feet from each other;
- Leaving unattended items on the beach between 5pm and 8am will subject you to the loss of your equipment as well as a civil penalty. These items may include, but shall not be limited to, volleyball, badminton and tennis nets, poles, tents, chairs, cabanas, sunshades, horseshoe stakes, croquet courses, umbrellas or any other personal property items.

**Unattended items will be collected from the beach and disposed of as litter. It is also unlawful to store items on private property without the owner's permission.** This was a recurring theme last year and resulted in police enforcement multiple times.

We would also like to remind you that the Town only has use of two vehicular beach access locations. These access locations are intended for **emergency vehicle access only** between May 1 and September 30. Driving up these access locations is a violation of our beach driving regulations. Please be sure that your staff do not block any emergency access during the process

of setting up or breaking down equipment. Violations of the beach driving ordinance may result in police enforcement action and towing.

We ask that you inform your existing and new staff of these regulations. Your cooperation will ensure that we all have a successful summer.

Following this season, Town Council will be provided with summer data to include violations reported as well as survey data that will be collected from renters, owners and residents this season. We anticipate a complete review of our ordinance related to tents and commercial activity on the beach this September.

Should you have any questions related to this matter, please feel free to contact me. Thank you for your time and cooperation in this matter.

Sincerely,

*Drew Havens*

Drew Havens  
Town Manager

cc: Town of Duck Town Council  
Department of Community Development  
Public Safety Department  
Duck Surf Rescue

## § 94.05 BEACH AND DUNE PROTECTION.

(A) The following activities shall be considered unlawful within the dune system:

- (1) Walking or traversing on the dunes outside of an improved or unimproved dune walkover access as defined in § 94.04;
- (2) Utilizing an improved dune walkover structure that has been damaged and officially posted by the town's Building Inspector as an unsafe structure;
- (3) Removing, damaging, or destroying healthy, non-invasive dune plant species including, but not limited to, Sea Oats (*Uniola paniculata*), Bitter Panicum (*Panicum amarum*), Seashore Elder (*Iva imbricata*), and American Beachgrass (*Ammophila breviligulata*);
- (4) Installation of vegetation inconsistent with sand dune systems, such as lawn grasses or sod, or herbaceous varieties that are not commonly known as "salt-tolerant" dune varieties or that may be determined to be "invasive exotic species";
- (5) Degrading, disturbing, or compromising the integrity of the dune structure. These prohibited activities include, but shall not be limited to:
  - (a) Digging, shelling, mining, or mechanical alteration of the dune topography;
  - (b) Playing, sliding, climbing, or rappelling on the frontal or primary dune or the dune escarpment; and
  - (c) Discharging water into the dune where it will cause significant scouring or erosion or otherwise affect the integrity of the dune.
- (6) Development activities without a valid building permit, Health Department approval, or CAMA authorization;
- (7) Storing objects or construction materials; and
- (8) Littering.

(B) The following activities shall be considered unlawful on the beach, as defined in §94.04:

- (1) Erection of a tent, cabana, or sunshade that meets any of the following conditions as determined by Ocean Rescue Personnel:
  - (a) When, due to beach width, tide levels, crowd conditions, or other factors, placement of tents or similar devices will obstruct the passage of emergency or ocean rescue vehicles or the line of sight from lifeguard stands or other surveillance areas.
    1. In such instances, areas may be designated by Ocean Rescue Personnel where the use of tents or similar devices shall be temporarily prohibited.
    2. At any time when tents or similar devices are prohibited in designated areas, an identifier shall be placed at each end of the subject area so as to be readily visible to all person within the area.
    3. To allow for emergency vehicle access, tents or similar devices shall not be placed within 15 feet of the base of the seaward toe of the primary dune.
  - (b) Tents, cabanas, and sunshades shall not be greater than 12 feet by 12 feet in area or higher than 9 feet above the surface of the beach when installed.
  - (c) Tents, cabanas, and sunshades shall not be tied together and shall be placed no closer than 10 feet apart.
- (2) Leaving unattended personal articles on the beach between the hours of 5:00 p.m. and 8:00 a.m. These items may include, but shall not be limited to, volleyball, badminton and tennis nets, poles, tents, chairs, cabanas, sunshades, horseshoe stakes, croquet courses, umbrellas or any other personal property items. Unattended items left on the beach between these hours shall be considered litter and may be subject to removal and disposal.
- (3) Beach fires as prohibited in §91.21.
- (4) Substantially altering the contour or shape of the flat beach area by excessive digging or mounding of sand whereby, in the opinion of Public Safety Personnel, such alteration presents a dangerous condition. Persons responsible for altering the contour or shape of the beach to any extent shall restore the beach to its original condition prior to leaving the area unattended for any period of time.
- (5) Littering.
- (6) Violations of § 90.06 related to mandatory removal of dog feces on the ocean beach.

(C) Beach Vitex (*Vitex rotundifolia*). The plant known as Beach Vitex (*Vitex rotundifolia*) is hereby found and declared to be a public nuisance due to the significant negative impacts this plant will have upon the beaches and dune system, nesting sea turtles, and native vegetation such as Sea Oats, Bitter Panicum, Seashore Elder, and American Beachgrass. It shall be unlawful for any person to plant or cause to be planted Beach Vitex (*Vitex rotundifolia*) on any property located within the corporate limits of the town.

(D) Exemptions: The town hereby encourages responsible dune management activities including proper construction and maintenance of improved dune walkover structures, the use of shared and/or community beach accesses, the proper installation and maintenance of sand fencing, and planting of native, salt-tolerant dune vegetation. Therefore, this section shall not apply to the following activities:

(1) Development activities authorized or permitted by the town, the Dare County Department of Environmental Health, or CAMA;

(2) Dune or property maintenance activities including planting or fertilization of vegetation, sand fence installation, minor dune repairs, and removal of litter or debris;

(3) Activities within the developed portion of the dune system;

(4) Federal, state, and local officials engaged in official regulatory activities; and

(5) Persons engaged in research, conservation, or extension activities as authorized by the Town Manager.

(Ord. 09-04, passed 4-8-2009; Am. Ord. 11-02, passed 3-2-2011; Am. Ord. 13-03, passed 4-3-2013) Penalty, see § 94.99